



Mental Health Act 1983

1983 CHAPTER 20

PART X

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous provisions

136 [F¹Removal etc of mentally disordered persons without a warrant]

[F²(1) If a person appears to a constable to be suffering from mental disorder and to be in immediate need of care or control, the constable may, if he thinks it necessary to do so in the interests of that person or for the protection of other persons—

- (a) remove the person to a place of safety within the meaning of section 135, or
- (b) if the person is already at a place of safety within the meaning of that section, keep the person at that place or remove the person to another place of safety.

(1A) The power of a constable under subsection (1) may be exercised where the mentally disordered person is at any place, other than—

- (a) any house, flat or room where that person, or any other person, is living, or
- (b) any yard, garden, garage or outhouse that is used in connection with the house, flat or room, other than one that is also used in connection with one or more other houses, flats or rooms.

(1B) For the purpose of exercising the power under subsection (1), a constable may enter any place where the power may be exercised, if need be by force.]

[F³(1C) Before deciding to remove a person to, or to keep a person at, a place of safety under subsection (1), the constable must, if it is practicable to do so, consult—

- (a) a registered medical practitioner,
- (b) a registered nurse,
- (c) an approved mental health professional, or
- (d) a person of a description specified in regulations made by the Secretary of State.]

Changes to legislation: Mental Health Act 1983, Section 136 is up to date with all changes known to be in force on or before 01 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) View outstanding changes

- (2) A person [^{F4}removed to, or kept at,] a place of safety under this section may be detained there for a period not exceeding [^{F5}the permitted period of detention] for the purpose of enabling him to be examined by a registered medical practitioner and to be interviewed by an [^{F6}approved mental health professional] and of making any necessary arrangements for his treatment or care.
- [^{F7}(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.]
- [^{F8}(3) 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 [^{F9}the permitted period of detention] mentioned in subsection (2) above, take a person detained in a place of safety under that subsection to one or more other places of safety.
- (4) A person taken to a place of a safety under subsection (3) above may be detained there for a purpose mentioned in subsection (2) above for a period ending no later than the end of [^{F10}the permitted period of detention] mentioned in that subsection.]
- [^{F11}(5) This section is subject to section 136A which makes provision about the removal and taking of persons to a police station, and the keeping of persons at a police station, under this section.]

Textual Amendments

- F1** S. 136 heading substituted (31.1.2017 for specified purposes, 11.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 80(7)**, 183(1)(5)(e); S.I. 2017/1017, [reg. 3\(a\)](#) (with [reg. 4](#))
- F2** S. 136(1)-(1B) substituted for s. 136(1) (31.1.2017 for specified purposes, 11.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 80(4)**, 183(1)(5)(e); S.I. 2017/1017, [reg. 3\(a\)](#) (with [reg. 4](#))
- F3** S. 136(1C) inserted (31.1.2017 for specified purposes, 11.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 80(5)**, 183(1)(5)(e); S.I. 2017/1017, [reg. 3\(a\)](#) (with [reg. 4](#))
- F4** Words in s. 136(2) substituted (31.1.2017 for specified purposes, 11.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 80(6)**, 183(1)(5)(e); S.I. 2017/1017, [reg. 3\(a\)](#) (with [reg. 4](#))
- F5** Words in s. 136(2) substituted (31.1.2017 for specified purposes, 11.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 82(3)(a)**, 183(1)(5)(e); S.I. 2017/1017, [reg. 3\(c\)](#) (with [reg. 4](#))
- F6** Words in s. 136(2) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 21, 56**, **Sch. 2 para. 10(b)** (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.](#))
- F7** S. 136(2A) inserted (31.1.2017 for specified purposes, 11.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 82(3)(b)**, 183(1)(5)(e); S.I. 2017/1017, [reg. 3\(c\)](#) (with [reg. 4](#))
- F8** S. 136(3)(4) inserted (30.4.2008) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 44(3)**, 56 (with [Sch. 10](#)); S.I. 2008/800, **art. 2** (with [art. 3](#))

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- F9** Words in s. 136(3) substituted (31.1.2017 for specified purposes, 11.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 82(3)(c)**, [183\(1\)\(5\)\(e\)](#); S.I. 2017/1017, [reg. 3\(c\)](#) (with [reg. 4](#))
- F10** Words in s. 136(4) substituted (31.1.2017 for specified purposes, 11.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 82(3)(d)**, [183\(1\)\(5\)\(e\)](#); S.I. 2017/1017, [reg. 3\(c\)](#) (with [reg. 4](#))
- F11** S. 136(5) inserted (31.1.2017 for specified purposes, 11.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 81(5)**, [183\(1\)\(5\)\(e\)](#); S.I. 2017/1017, [reg. 3\(b\)](#) (with [reg. 4](#))

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Changes and effects yet to be applied to :

- s. 136(2A) words substituted (temp.) by [2020 c. 7 Sch. 8 para. 10](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [1996 c. 46 Sch. 2 para. 9](#)(replacing 1968 c 20 s. 23) (Act applied (prosp.) by 1968 c. 20, s. 23(4) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2, para. 9 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix))
- Act applied by [1996 c. 46 Sch. 2 para. 4](#)(replacing 1957 c 53 s. 63) (Act applied (prosp.) by 1957 c. 53, s. 63C(6) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2, para. 4 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix))
- Act applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing 1955 c 19 s. 116) (Act applied (prosp.) by 1955 c. 19, s. 116C(6) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2 para. 1 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix))
- Act applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing 1955 c 18 s 116) (Act applied (prosp.) by 1955 c. 18, s. 116C(6) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2 para. 1 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix))
- Act power to applied by [1996 c. 46 Sch. 2 para. 4](#)(replacing 1957 c 53 s. 63) (Act: Power to apply conferred (prosp.) by 1957 c. 53, s. 63B(4)(c) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2, para. 4 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix))
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Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 74(8) inserted by [2015 c. 2 Sch. 3 para. 3\(3\)](#)