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.]
(2) A person §4 removed to, or kept at, §5 a place of safety under this section may be
detained there for a period not exceeding §6 the permitted period of detention§7 for
the purpose of enabling him to be examined by a registered medical practitioner and
to be interviewed by an §8 approved mental health professional§9 and of making any
necessary arrangements for his treatment or care.

§10(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.]

§11(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
§12 the permitted period of detention§13 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 §14 the permitted period of detention§15 mentioned in that subsection.

§16(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)
Changes to legislation: Mental Health Act 1983, Section 136 is up to date with all changes known to be in force on or before 18 July 2019. 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

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)(c); 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)(c); 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)(c); S.I. 2017/1017, reg. 3(b) (with reg. 4)

Textual Amendments applied to the whole legislation

F1 For the words "Supreme Court Act 1981" there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of Constitutional Reform Act 2005 (c. 4), ss. 59, 148(1), Sch. 11 para. 1(2); S.I. 2009/1604, art. 2(d)

Non-textual amendments applied to the whole Legislation can be found in the Introduction
### Changes to legislation:

Mental Health Act 1983, Section 136 is up to date with all changes known to be in force on or before 18 July 2019. 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. View outstanding changes.

#### 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)(ix)(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. 63(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)(ix)(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. 116(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)(ix)(ix))
- Act applied by *1996 c. 46 Sch. 2 para. 1 (replacing 1955 c 18 s 116)* (Act: Power to apply conferred (prosp.) by 1955 c. 18, s. 116(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)(ix)(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)(ix)(ix))
- Act power to applied by *1996 c. 46 Sch. 2 para. 1 (replacing 1955 c 19 s. 116)* (Act: Power to apply conferred (prosp.) by 1955 c. 19, s. 116B(4)(c) (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)(ix)(ix))
- Act power to applied by *1996 c. 46 Sch. 2 para. 1 (replacing 1955 c 18 s 116)* (Act: Power to apply conferred (prosp.) by 1955 c. 18, s. 116B(4)(c) (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)(ix)(ix))

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)
- s. 114ZA(5)(6) inserted by S.I. 2018/893 reg. 39(5) (This amendment comes into force on the date that 2017 c. 16, s. 39(1) comes into force. That provision is not yet in force.)