



Policing and Crime Act 2017

2017 CHAPTER 3

PART 4

POLICE POWERS

CHAPTER 4

POWERS UNDER THE MENTAL HEALTH ACT 1983

81 Restrictions on places that may be used as places of safety

- (1) The Mental Health Act 1983 is amended as follows.
- (2) In section 135 (warrant to search for and remove patients), in subsection (6), omit the words “the occupier of which is willing temporarily to receive the patient”.
- (3) After subsection (6) of that section insert—
 - “(7) For the purpose of subsection (6)—
 - (a) a house, flat or room where a person is living may not be regarded as a suitable place unless—
 - (i) if the person believed to be suffering from a mental disorder is the sole occupier of the place, that person agrees to the use of the place as a place of safety;
 - (ii) if the person believed to be suffering from a mental disorder is an occupier of the place but not the sole occupier, both that person and one of the other occupiers agree to the use of the place as a place of safety;
 - (iii) if the person believed to be suffering from a mental disorder is not an occupier of the place, both that person and the occupier (or, if more than one, one of the occupiers) agree to the use of the place as a place of safety;

Changes to legislation: *Policing and Crime Act 2017, Section 81 is up to date with all changes known to be in force on or before 21 April 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) View outstanding changes*

- (b) a place other than one mentioned in paragraph (a) may not be regarded as a suitable place unless a person who appears to the constable exercising powers under this section to be responsible for the management of the place agrees to its use as a place of safety.”

(4) After subsection (7) of that section (inserted by subsection (3) above) insert—

“(8) This section is subject to section 136A which makes provision about the removal and taking of persons to a police station under this section.”

(5) In section 136, after subsection (4) insert—

“(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.”

(6) After section 136 insert—

“136A Use of police stations as places of safety

(1) A child may not, in the exercise of a power to which this section applies, be removed to, kept at or taken to a place of safety that is a police station.

(2) The Secretary of State may by regulations—

- (a) provide that an adult may be removed to, kept at or taken to a place of safety that is a police station, in the exercise of a power to which this section applies, only in circumstances specified in the regulations;
- (b) make provision about how adults removed to, kept at or taken to a police station, in the exercise of a power to which this section applies, are to be treated while at the police station, including provision for review of their detention.

(3) Regulations under this section—

- (a) may make different provision for different cases;
- (b) may make provision that applies subject to specified exceptions;
- (c) may include incidental, supplementary or consequential provision or transitional, transitory or saving provision.

(4) The powers to which this section applies are—

- (a) the power to remove a person to a place of safety under a warrant issued under section 135(1);
- (b) the power to take a person to a place of safety under section 135(3A);
- (c) the power to remove a person to, or to keep a person at, a place of safety under section 136(1);
- (d) the power to take a person to a place of safety under section 136(3).

(5) In this section—

- (a) “child” means a person aged under 18;
- (b) “adult” means a person aged 18 or over.”

Commencement Information

II S. 81 in force for specified purposes at Royal Assent, see s. 183

Changes to legislation: Policing and Crime Act 2017, Section 81 is up to date with all changes known to be in force on or before 21 April 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) [View outstanding changes](#)

12 S. 81 in force at 11.12.2017 in so far as not already in force by S.I. 2017/1017, **reg. 3(b)** (with **reg. 4**)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1139, reg. 2 by [S.I. 2017/1162 reg. 2](#)