



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART VI

#### REMOVAL AND RETURN OF PATIENTS WITHIN UNITED KINGDOM, ETC.

##### *Removal of aliens*

#### **86 Removal of alien patients.**

- (1) This section applies to any patient who is neither a British citizen nor a Commonwealth citizen having the right of abode in the United Kingdom by virtue of section 2(1)(b) of the <sup>M1</sup>Immigration Act 1971, being a patient who is receiving treatment for mental illness as an in-patient in a hospital in England and Wales or a hospital within the meaning of the <sup>M2</sup>Mental Health [<sup>F1</sup>(Northern Ireland) Order 1986] and is detained pursuant to—
- (a) an application for admission for treatment or [<sup>F1</sup>a report under Article 12(1) or 13 of that Order];
  - (b) a hospital order under section 37 above or [<sup>F1</sup>Article 44 of that Order]; or
  - (c) an order or direction under this Act (other than under section 35, 36 or 38 above) or [<sup>F1</sup>under that Order (other than under Article 42, 43 or 45 of that Order)].
- (2) If it appears to the Secretary of State that proper arrangements have been made for the removal of a patient to whom this section applies to a country or territory outside the United Kingdom, the Isle of Man and the Channel Islands and for his care or treatment there and that it is in the interests of the patient to remove him, the Secretary of State may, subject to subsection (3) below—
- (a) by warrant authorise the removal of the patient from the place where he is receiving treatment as mentioned in subsection (1) above, and
  - (b) give such directions as the Secretary of State thinks fit for the conveyance of the patient to his destination in that country or territory and for his detention in any place or on board any ship or aircraft until his arrival at any specified port or place in any such country or territory.

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*Status: Point in time view as at 22/07/2004. This version of this provision has been superseded.*

**Changes to legislation:** Mental Health Act 1983, Section 86 is up to date with all changes known to be in force on or before 25 June 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)

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- (3) The Secretary of State shall not exercise his powers under subsection (2) above in the case of any patient except with the approval of a Mental Health Review Tribunal or, as the case may be, of the Mental Health Review Tribunal for Northern Ireland.

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**Textual Amendments**

**F1** Words substituted by [S.I. 1986/596, art. 2\(14\)](#)

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**Modifications etc. (not altering text)**

**C1** [S. 86](#): certain functions transferred (10.7.2008) by [The Welsh Ministers \(Transfer of Functions\) Order 2008 \(S.I. 2008/1786\)](#), art. {2(a)}

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**Marginal Citations**

**M1** [1971 c. 77. \(62\)](#)

**M2** [1986/595 \(N.I.4\).](#)

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