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Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 8

ANTI-SOCIAL BEHAVIOUR

Nuisance or disturbance on hospital premises

119 Offence of causing nuisance or disturbance on NHS premises

- (1) A person commits an offence if—
- (a) the person causes, without reasonable excuse and while on NHS premises, a nuisance or disturbance to an NHS staff member who is working there or is otherwise there in connection with work,
 - (b) the person refuses, without reasonable excuse, to leave the NHS premises when asked to do so by a constable or an NHS staff member, and
 - (c) the person is not on the NHS premises for the purpose of obtaining medical advice, treatment or care for himself or herself.
- (2) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) For the purposes of this section—
- (a) a person ceases to be on NHS premises for the purpose of obtaining medical advice, treatment or care for himself or herself once the person has received the advice, treatment or care, and
 - (b) a person is not on NHS premises for the purpose of obtaining medical advice, treatment or care for himself or herself if the person has been refused the advice, treatment or care during the last 8 hours.
- (4) In this section—
“English NHS premises” means—

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- (a) any hospital vested in, or managed by, a relevant English NHS body,
 - (b) any building or other structure, or vehicle, associated with the hospital and situated on hospital grounds (whether or not vested in, or managed by, a relevant English NHS body), and
 - (c) the hospital grounds,
- “hospital grounds” means land in the vicinity of a hospital and associated with it,
- “NHS premises” means English NHS premises or Welsh NHS premises,
- “NHS staff member” means a person employed by a relevant English NHS body, or a relevant Welsh NHS body, or otherwise working for such a body (whether as or on behalf of a contractor, as a volunteer or otherwise),
- “relevant English NHS body” means—
- (a) a National Health Service trust (see section 25 of the National Health Service Act 2006 (c. 41)), all or most of whose hospitals, establishments and facilities are situated in England,
 - (b) a Primary Care Trust (see section 18 of that Act), or
 - (c) an NHS foundation trust (see section 30 of that Act),
- “relevant Welsh NHS body” means—
- (a) a National Health Service trust (see section 18 of the National Health Service (Wales) Act 2006 (c. 42)), all or most of whose hospitals, establishments and facilities are situated in Wales, or
 - (b) a Local Health Board (see section 11 of that Act),
- “vehicle” includes an air ambulance,
- “Welsh NHS premises” means—
- (a) any hospital vested in, or managed by, a relevant Welsh NHS body,
 - (b) any building or other structure, or vehicle, associated with the hospital and situated on hospital grounds (whether or not vested in, or managed by, a relevant Welsh NHS body), and
 - (c) the hospital grounds.

Commencement Information

II S. 119(4) in force at 1.1.2009 in relation to English NHS premises by S.I. 2008/3260, art. 2(2)(a)

120 Power to remove person causing nuisance or disturbance

- (1) If a constable reasonably suspects that a person is committing or has committed an offence under section 119, the constable may remove the person from the NHS premises concerned.
- (2) If an authorised officer reasonably suspects that a person is committing or has committed an offence under section 119, the authorised officer may—
 - (a) remove the person from the NHS premises concerned, or
 - (b) authorise an appropriate NHS staff member to do so.
- (3) Any person removing another person from NHS premises under this section may use reasonable force (if necessary).

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- (4) An authorised officer cannot remove a person under this section or authorise another person to do so if the authorised officer has reason to believe that—
- (a) the person to be removed requires medical advice, treatment or care for himself or herself, or
 - (b) the removal of the person would endanger the person's physical or mental health.
- (5) In this section—
- “appropriate NHS staff member”—
- (a) in relation to English NHS premises, means an English NHS staff member, and
 - (b) in relation to Welsh NHS premises, means a Welsh NHS staff member,
- “authorised officer”—
- (a) in relation to English NHS premises, means any English NHS staff member authorised by a relevant English NHS body to exercise the powers which are conferred by this section on an authorised officer in respect of English NHS premises, and
 - (b) in relation to Welsh NHS premises, means any Welsh NHS staff member authorised by a relevant Welsh NHS body to exercise the powers which are conferred by this section on an authorised officer in respect of Welsh NHS premises,
- “English NHS staff member” means a person employed by a relevant English NHS body or otherwise working for it (whether as or on behalf of a contractor, as a volunteer or otherwise),
- “Welsh NHS staff member” means a person employed by a relevant Welsh NHS body or otherwise working for it (whether as or on behalf of a contractor, as a volunteer or otherwise).
- (6) Terms defined in section 119 have the same meaning in this section as in that section.

Commencement Information

I2 S. 120(5)(6) in force at 1.1.2009 in relation to English NHS premises by S.I. 2008/3260, art. 2(2)(b)

121 Guidance about the power to remove etc.

- (1) The appropriate national authority may from time to time prepare and publish guidance to relevant NHS bodies and authorised officers about the powers in section 120.
- (2) Such guidance may, in particular, relate to—
 - (a) the authorisation by relevant NHS bodies of authorised officers,
 - (b) the authorisation by authorised officers of appropriate NHS staff members to remove persons under section 120,
 - (c) training requirements for authorised officers and persons authorised by them to remove persons under section 120,
 - (d) matters that may be relevant to a consideration by authorised officers for the purposes of section 120 of whether offences are being, or have been, committed under section 119,
 - (e) matters to be taken into account by authorised officers in deciding whether there is reason to believe that a person requires medical advice, treatment or

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- care for himself or herself or that the removal of a person would endanger the person's physical or mental health,
- (f) the procedure to be followed by authorised officers or persons authorised by them before using the power of removal in section 120,
 - (g) the degree of force that it may be appropriate for authorised officers or persons authorised by them to use in particular circumstances,
 - (h) arrangements for ensuring that persons on NHS premises are aware of the offence in section 119 and the powers of removal in section 120, or
 - (i) the keeping of records.
- (3) Before publishing guidance under this section, the appropriate national authority must consult such persons as the authority considers appropriate.
- (4) A relevant NHS body and an authorised officer must, when exercising functions under, or in connection with, section 120, have regard to any guidance published by the appropriate national authority under this section.
- (5) In this section—
- “appropriate national authority”—
 - (a) in relation to a relevant English NHS body and authorised officers in respect of English NHS premises, means the Secretary of State, and
 - (b) in relation to a relevant Welsh NHS body and authorised officers in respect of Welsh NHS premises, means the Welsh Ministers,
 - “appropriate NHS staff member” and “authorised officer” have the same meaning as in section 120,
 - “relevant NHS body” means a relevant English NHS body or a relevant Welsh NHS body.
- (6) Terms defined in section 119 have the same meaning in this section as in that section.

Commencement Information

I3 S. 121(1)-(3)(5)(6) in force at 1.1.2009 in relation to English NHS premises by S.I. 2008/3260, art. 2(2)(c)

VALID FROM 22/06/2009

122 Nuisance or disturbance on HSS premises

Schedule 21 makes provision for Northern Ireland corresponding to the provision made for England and Wales by sections 119 to 121.

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