



Policing and Crime Act 2017

2017 CHAPTER 3

PART 4

POLICE POWERS

CHAPTER 4

POWERS UNDER THE MENTAL HEALTH ACT 1983

80 Extension of powers under sections 135 and 136 of the Mental Health Act 1983

- (1) The Mental Health Act 1983 is amended as follows.
- (2) In section 135 (warrant to search for and remove patients), after subsection (1) insert—
 - “(1A) If the premises specified in the warrant are a place of safety, the constable executing the warrant may, instead of removing the person to another place of safety, keep the person at those premises for the purpose mentioned in subsection (1).”
- (3) In subsection (3) of that section—
 - (a) for “under this section” substitute “under subsection (1)”;
 - (b) before “may” insert “, or kept at the premises specified in the warrant under subsection (1A),”.
- (4) In section 136 (mentally disordered persons found in public places), for subsection (1) substitute—
 - “(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

Status: This is the original version (as it was originally enacted).

- (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.”
- (5) After subsection (1B) of that section (inserted by subsection (4) above) insert—
 - “(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.”
- (6) In subsection (2) of that section, for “removed to” substitute “removed to, or kept at,”.
- (7) For the heading of that section substitute “Removal etc of mentally disordered persons without a warrant”.