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STATUTORY INSTRUMENTS

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**2017 No. 1036**

**The Mental Health Act 1983  
(Places of Safety) Regulations 2017**

**Circumstances in which a police station may be used as a place of safety**

2.—(1) An adult (“A”) may only 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 section 136A of the Act applies<sup>(1)</sup> where—

- (a) the decision-maker is satisfied that—
  - (i) the behaviour of A poses an imminent risk of serious injury or death to A, or to another person,
  - (ii) because of that risk, no place of safety other than a police station in the relevant police area can reasonably be expected to detain A, and
  - (iii) the requirement in sub-paragraph (b) of regulation 4(1) will be met, and
- (b) where the decision-maker is not an officer of the rank of inspector or above, an officer of that rank or above authorises that A may be removed to, kept at, or taken to a place of safety that is a police station.

(2) Before determining that the circumstances in paragraphs (i) to (iii) of paragraph (1)(a) exist, a decision-maker who is a constable must, if it is reasonably 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 regulation 8(1).

(3) In this regulation—

“decision-maker” means—

- (a) in relation to the exercise of a power under section 135(1) or 136(1)<sup>(2)</sup> of the Act, the constable exercising that power,
- (b) in relation to the exercise of a power under section 135(3A) or 136(3) of the Act, the constable or approved mental health professional who—
  - (i) exercises that power, or
  - (ii) authorises a person to exercise that power,

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(1) By virtue of section 136A(4), the powers to which that section applies are: the power to remove a person to a place of safety under a warrant issued under section 135(1), the power to take a person to a place of safety under section 135(3A), the power to remove a person to, or to keep a person at, a place of safety under section 136(1), and the power to take a person to a place of safety under section 136(3).

(2) Section 135 was amended by paragraph 26 of Part I of Schedule 6, and Part 1 of Schedule 7, to the Police and Criminal Evidence Act 1984 (c.60), paragraph 1 of Schedule 10 to the National Health Service and Community Care Act 1990 (c.19), paragraph 9(9) of Schedule 4 to the Care Standards Act 2002 (c.14), section 44(2) of, and paragraph 10(a) of Schedule 2 to, the Mental Health Act 2007 (c.12), and S.I. 2015/914 and 2016/413. There are other amendments but none are relevant. Section 136 was amended by section 44(3) of, and paragraph 10(b) of Schedule 2 to, the Mental Health Act 2007.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“relevant police area” means the police area in which A is located when a power to which section 136A of the Act applies begins to be exercised in relation to A.