

Section 135

Being taken to a place of safety from a private place

This factsheet looks at section 135 of the Mental Health Act 1983. It explains when and how this section is used, and the professionals you might come across in hospital. It explains what your rights are during this section and what could happen afterwards.



KEY POINTS

- Section 135 can be used by Police and healthcare professionals to take you to a place of safety for a mental health assessment.
- Mental health professionals can ask a judge for permission to go into your home.
- Once inside, the professional and the police can bring you to a 'place of safety'. They can only do this if they think you have a mental illness and need care.
- The police can come in to your home even if you don't want them to enter.
- A place of safety can be your home, a hospital or a police station. The police can move you from one place to another.
- You can be kept on this section for up to 36 hours.
- During this time, mental health professionals may do a Mental Health Act assessment with you. This will see if you need to be in hospital for longer, because of your mental health.
- After your assessment, you may leave hospital or you may stay under a section of the Mental Health Act.
- You have rights under this section. You can get legal advice, ask the police or hospital to tell someone where you are and get mental health treatment.

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The rules in this factsheet apply if you were detained after 11th December 2017. This is because the rules were changed by the Policing and Crime Act 2017.¹

If you were detained under Section 135 before that date, there are some differences. We have explained these in [Section 7](#) of this factsheet.

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1. What professionals might I come across?

There are different professionals that might be involved in your care while you are in hospital under the Mental Health Act. We talk about some of these professionals in this factsheet.

Approved Clinician (AC): an AC is a mental health professional who is allowed to use the Mental Health Act. A doctor, psychologist, nurse, occupational therapist or social worker can be ACs. They are trained to assess you for mental illness.

Approved Mental Health Professional (AMHP): an AMHP is a mental health professional who is trained to use the Mental Health Act. This can be a psychologist, nurse, social worker or occupational therapist. They may be involved in bringing you to hospital under a section of the Mental Health Act.

Police: the police can enter your house if they have a warrant under Section 135. They can get into your property even if you don't want them to.^{2,3} The police will take you to a place of safety. They should try and do this in an ambulance, but it can be in a police vehicle.⁴

Custody Sergeant: you might come across this person if the police bring you to a police station as a place of safety. They are responsible for the safety of everyone at the police station. They will make sure you understand why you are there and what your rights are.

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2. When do professionals use this section?

The AMHP can use section 135(1) when:⁵

- you are in a private place (such as your home),

- you are not able to care for yourself, or
- if you are living with someone and it is thought you are not being taken care of properly.

They can use section 135(2) when:⁶

- you are in a private place, and
- you were detained in hospital or other accommodation under the Mental Health Act, but have left without permission.

When they use Section 135(2) they may bring you back to hospital.⁷

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3. How do professionals use this section?

Someone may think you are not well and need to have a mental health assessment. A friend or relative may tell an Approved Mental Health Professional (AMHP) they are concerned about you. The AMHP can go to the magistrates' court and ask for a warrant. A warrant gives the police permission to come into your home if they need to.⁸

Section 135(1)⁹

Under section 135(1), the police can come with mental health professionals and assess you at home. They can either keep you at home for the assessment, or take you to another 'place of safety'. The AMHP should be in charge of the assessment. They will tell the police what they need them to do, such as force your door open. A healthcare professional, such as a doctor should also come with them.¹⁰

Section 135(2)¹¹

Under section 135(2), the police can come to your property on their own. They should try and bring someone from the local hospital or social services.¹² The police can search you if they think you are a danger to yourself or other people. They will do this if they think you are going to hurt yourself, or if you have something that can hurt you or other people.¹³

The police will then take you back to hospital if you were detained there under the Mental Health Act and left without permission.

Places of safety

If the police take you out of your home, they will try to take to you a hospital or another healthcare service. If your home is safe they may keep you there to do the assessment.¹⁴ Other options could be a residential care home or a home of a friend or relative.¹⁵ These are called 'places of safety'.

The police can only use your home if:¹⁶

- you live alone and agree to be kept there, or
- you and the people you live with agree for it to be used.

They can only use someone else's home if they agree to this.¹⁷

The Police may take you to a Police station if they think you will be a high risk to others in the hospital.¹⁸ It doesn't mean that you have done anything wrong if you are taken to the police station. The police can arrange for you to be seen by a healthcare professional there. They cannot use a Police station if you are under 18 years old.¹⁹

The police can move you from one place to another, for example, from the police station to a hospital or from a hospital to a police station.²⁰

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4. How long will I be on this section?

You can be on this section for up to 24 hours until an Approved Mental Health Professional (AMHP) and/or doctor sees you.²¹

When the doctor see's you they will assess whether you need to be kept in hospital for treatment under other sections of the Mental Health Act. You can read more about this in [Section 8](#) of this factsheet.

Under section 135 the doctor may decide that you need to be kept for longer. They can do this if it is not practical to do a proper assessment within 24 hours. They can extend your detention under section 135 by 12 hours. This will start from the end of the original 24 hours.²²

If you are being kept in a police station the doctor needs the permission of a superintendent or above to extend your detention.²³

This means that you can be kept in a place of safety for a maximum of 36 hours.

You can find more information about the '**Mental Health Act**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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5. What are my rights?

If you are taken to a hospital, the hospital managers have to make sure you understand what this section means and how the Mental Health Act applies to you.²⁴

If the police take you to a police station, your rights are the same as if you were arrested. Remember that you have not done anything wrong and no criminal charges are being brought against you. You can:²⁵

- get the police to tell someone where you are and what's happened,
- get free legal advice from a solicitor,
- get medical treatment from an appropriate healthcare professional.

6. Can doctors treat me if I don't want it?

You cannot be forced to take medication or have any other treatment while under section 135.

This can only happen if you are then put under a different section of the Mental Health Act such as section 2, section 3 or section 37.

You can find more information about the '**Mental Health Act**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

7. What if I was detained before 11th December 2017?

The rules on section 135 were changed by the Policing and Crime Act 2017. The new rules came into force on 11th December 2017. If you were detained under s135 before this date, then the old rules would still apply.

Under the old rules of section 135:

- you could be detained for up to 72 hours by the Police for an assessment,
- your home or the home of a friend or relative could not be used as a 'place of safety', and
- a police station could be used as a place of safety for people under 18 years old.

8. What might happen after this section?

After being on section 135, four things could happen. These are:

- The Approved Mental Health Professional (AMHP) and doctors might decide that you need to be in hospital and section you using the Mental Health Act.
- If you were already in hospital and left without permission, the Police may return you to hospital.
- The AMHP might decide that you do not need to be in hospital but that local healthcare services could give you more help. For example, they could refer you to your local Community Mental Health Team (CMHT) or contact your GP.
- The AMHP might decide that you do not have a mental illness or need any treatment. You are free to leave.

You can find more information about:

- Community Mental Health Team (CMHT)
- Mental Health Act
- GPs- what to expect from your doctor

at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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- ¹ s80-83, Policing and Crime Act 2017 c3.
 - ² s135(1), Mental Health Act 1983 c20.
 - ³ As note 2 (MHA 1983), s135(2).
 - ⁴ Department of Health. *Mental Health Act 1983: Code of Practice*. London: The Stationery Office; 2015. Page 155, para 17.14-17.15.
 - ⁵ As note 2 (MHA 1983), s135(1).
 - ⁶ As note 2 (MHA 1983), s135(2).
 - ⁷ As note 4, at page 141, para 16.15.
 - ⁸ As note 4, at page 140, para 16.03.
 - ⁹ As note 2 (MHA 1983), s135(1)(a).
 - ¹⁰ As note 4, at page 140, para 16.04.
 - ¹¹ As note 2, (MHA 1983), s135(2).
 - ¹² As note 4, at page 141, para 16.15.
 - ¹³ As note 2 (MHA 1983), s136C(1).
 - ¹⁴ As note 2 (MHA 1983), s135(1A).
 - ¹⁵ As note 4, at para 16.37.
 - ¹⁶ As note 2 (MHA 1983), s135(7)(a).
 - ¹⁷ As note 2 (MHA 1983), s135(7)(b).
 - ¹⁸ As note 4, at page 146, para 16.38.
 - ¹⁹ As note 2, s136A(1).
 - ²⁰ As note 2, s135(3A).
 - ²¹ As note 2, s135(3ZA).
 - ²² As note 2, s136B(1).
 - ²³ As note 2, s136B(3).
 - ²⁴ As note 4, at page 37, para 4.9.
 - ²⁵ Gov.uk. *Being arrested: your rights*. <https://www.gov.uk/arrested-your-rights> (accessed 28 November 2017).

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