

# What do the Mental Health Act sections mean?

Section	What this section means	How long you can be kept in hospital under section
Section 2	<p>You can be detained if:</p> <ul style="list-style-type: none"><li>• you have a mental disorder</li><li>• you need to be detained for a short time for assessment and possibly medical treatment, and</li><li>• it is necessary for your own health or safety or for the protection of other people.</li></ul>	<p>Up to 28 days.</p> <p>This section can't normally be extended or renewed, but you may be assessed before the end of the 28 days to see if sectioning under section 3 is needed.</p>
Section 3	<p>You can be detained if:</p> <ul style="list-style-type: none"><li>• you have a mental disorder</li><li>• you need to be detained for your own health or safety or for the protection of other people, and</li><li>• treatment can't be given unless you are detained in hospital You cannot be sectioned under this section unless the doctors also agree that appropriate treatment is available for you.</li></ul>	<p>Up to six months.</p> <p>The section can be renewed or extended by your responsible clinician: for 6 months, the first time then for 6 months, the second time after that, for 12 month periods.</p> <p>There is no limit to the number of times the responsible clinician can renew the section 3.</p> <p>Your responsible clinician can also discharge you from your section before it comes to an end.</p> <p>If this happens, you are free to go home. But if your mental health gets worse again in the future, you could be sectioned and taken to hospital again on a new section.</p>
Section 4	<p>You can be detained if:</p> <ul style="list-style-type: none"><li>• you have a mental disorder</li><li>• it is urgently necessary for you to be admitted to hospital and detained, and</li><li>• waiting for a second doctor to confirm that you need to be admitted to hospital on a section</li><li>• section 2 would cause "undesirable delay".</li><li>• You can be sectioned by one doctor only (together with the approved mental health professional) and you can be taken to hospital in an emergency and assessed there.</li><li>• Your rights are different compared to your rights under other sections. For example, you cannot be treated without your consent.</li></ul>	<p>Up to 72 hours (three days).</p>

Section	What this section means	How long you can be kept in hospital under section
Section 5(2)	<p>Applies to you if you are a voluntary patient, or inpatient (including inpatients being treated for a physical problem).</p> <p>A doctor or other approved clinician in charge of your treatment needs to report to the hospital managers that an application to keep you in hospital (a detention section) 'ought to be made'.</p>	Up to 72 hours (three days).
Section 5(4)	<p>Applies if you are a voluntary patient receiving treatment for a mental disorder.</p> <p>A specialist nurse trained to work with mental health problems or learning disabilities can detain you if they think that your mental health problem is so serious that:</p> <ul style="list-style-type: none"> <li>• you need to be kept in hospital immediately for your health or safety or for the protection of others, and,</li> <li>• It is so urgent that they cannot reasonably wait to get a doctor or clinician to provide a report to the hospital managers.</li> </ul>	Up to 6 hours, or until a doctor or clinician with authority to detain you arrives, whichever is earlier.
Section 17	<p>Applies if you are already detained under the Mental Health Act.</p> <p>This section gives the responsible clinician power to grant you leave from your hospital for a specified period of time.</p> <p>You are likely to be asked to keep to certain conditions, like returning on a certain day and time, or staying at a particular place or in the care of a particular person.</p>	
Section 26 and 29	<p>These sections deal with the nearest relative.</p> <p>Section 26 sets out who your nearest relative will be.</p> <p>Section 29 tells you the grounds under which you can change your nearest relative.</p> <p>If you want to know more about these sections, speak to your Independent Mental Health Advocate who will be able to explain them to you.</p>	

Section	What this section means	How long you can be kept in hospital under section
Section 117	<p>Health authorities and local social services have a legal duty to provide free aftercare for people who have been discharged under Mental Health Act sections 3, 37, 45A, 47 or 48.</p> <p>The duty to provide aftercare also applies if you are given s17 leave, or if you are under a community treatment order.</p> <p>Aftercare services in your aftercare plan should be provided free of charge.</p> <p>The services will meet a need relating to your mental health problem to prevent you from returning to hospital.</p>	
Section 135	<p>You can be placed under this section if there is reasonable cause to suspect that you have a mental disorder and you are:</p> <ul style="list-style-type: none"> <li>• being ill-treated or neglected or not kept under proper control, or</li> <li>• unable to care for yourself and live alone.</li> </ul> <p>A magistrate can issue a warrant authorising a police officer (with a doctor and an approved mental health professional) to enter any premises where you are believed to be and take you to (or keep you at) a place of safety.</p>	Up to 24 hours.
Section 136	<p>If it appears to a police officer that you have a mental disorder and are “in need of immediate care or control”, they can take you to (or keep you at) a place of safety.</p> <p>You will be kept in the place of safety you were taken to so that you can be examined by a doctor and interviewed by an approved mental health professional, and any necessary arrangements can be made for your treatment or care.</p>	Up to 24 hours.