

Sections under the Mental Health Act

What do the different sections mean?

Section	What does it mean?	Why can you be detained?	How long can you be detained for?
Section 2	<p>This is a short stay for assessment. It means the hospital team need some time to understand what's going on with your mental health.</p> <p>While you're there, they'll:</p> <ul style="list-style-type: none">figure out what kind of mental health issue you're experiencingdecide if treatment could help and you can start treatmentwork out a plan for what happens next	<p>You can be detained if:</p> <ul style="list-style-type: none">you have a mental disorderyou need to be detained for a short time for assessment and possibly medical treatmentit's necessary for your own health and safety or for the protection others	<p>You can be kept in hospital for up to 28 days, but you might not stay the full time. If the team think you're safe to leave sooner, they'll discharge you.</p> <p>If you need more support after those 28 days, they might move you onto a section 3.</p>
Section 3	<p>This is a longer stay for treatment. It's used when doctors think you need to be in hospital to get proper treatment, and that you're not well enough to make that decision yourself.</p>	<p>You can be detained if:</p> <ul style="list-style-type: none">you have a mental disorderthe right kind of treatment is availableyou won't get the treatment you need unless you're in hospitalit's needed to keep you and others safe	<p>You can be kept for up to 6 months at first, but you might be let out sooner if you get better.</p> <p>If doctors think you still need treatment in hospital after 6 months, they can extend it for another 6 months twice.</p> <p>After that, they can extend it for a year at a time if needed.</p>
Section 4	<p>This is an emergency section. It's used when you need to get to hospital quickly, but there's only one doctor available. It's a way to keep you safe while the team organise a full assessment, which should happen quickly.</p>	<p>You can be detained if:</p> <ul style="list-style-type: none">you have a mental disorderyou urgently need to be admitted to hospitalwaiting for a second doctor to confirm that you need to be admitted to hospital on a section 2 would cause "undesirable delay"	<p>You can be kept under section 4 for up to 72 hours, but it'll usually be shorter. After that, you might be moved onto a section 2 for assessment.</p>

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Section 5	<p>If you're already in hospital as a voluntary inpatient and you decide you want to leave, but staff think you're not safe to, they can use section 5 to stop you going.</p> <p>There are two types:</p> <ul style="list-style-type: none"> ✳ Section 5(2) – Holding power by a doctor ✳ Section 5(4) – Holding power by a nurse <p>For Section 5(2), a doctor or other approved clinician needs to tell the hospital managers that they think you should stay in hospital under a detention section.</p>	<p>You can be detained if:</p> <ul style="list-style-type: none"> ✳ you have a mental disorder that means you need to be kept in hospital immediately to keep you and others safe ✳ it's so urgent that it's not realistic to get a practitioner or clinician to first provide a report to the hospital managers 	<p>A doctor can keep you in hospital for up to 72 hours so they have time to assess whether you need to be sectioned under a longer section, like section 2 or 3.</p> <p>A nurse can keep you in hospital for up to 6 hours, or until a doctor arrives.</p>
Section 35	<p>This section applies if you've been accused of a crime.</p>	<p>The Crown Court or Magistrates' Court can send you to hospital if one doctor believes:</p> <ul style="list-style-type: none"> ✳ there is reason to think you have a mental disorder ✳ it wouldn't be possible to prepare a report about your mental health if you were released on bail 	<p>You can be kept under this section for up to 28 days.</p> <p>It can be renewed for another 28 days at a time, but only up to a total of 12 weeks.</p>
Section 135	<p>This section lets the police enter your home and take you to a safe place for a mental health assessment. The safe place could be at your own home.</p>	<p>You can be detained if there are good reasons to believe you have a mental disorder and you are either:</p> <ul style="list-style-type: none"> ✳ being ill-treated, neglected, or not properly cared for ✳ unable to look after yourself and live alone 	<p>You can be kept in hospital for up to 24 hours. In some cases, this can be extended up to 36 hours.</p>

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Section 136	This section allows the police to take you to a place of safety without a warrant.	You can be detained if: <ul style="list-style-type: none"> ✳ you appear to have a mental disorder ✳ you are in a public place (anywhere outside a home, or a garden or garage that only one household uses) ✳ you need immediate care or control that the police believe is necessary to keep you or others safe 	You can be kept under this section for up to 24 hours. In some cases, this can be extended to 36 hours.

Other sections to know about

Section 17	This section applies if you're already detained under the Mental Health Act. It allows your responsible clinician to give you permission to leave the hospital or ward for a set period of time. You will usually need to follow certain rules, like coming back on a specific day and time, or staying in a certain place or with a specific person while you're away.
Section 26 & 29	These sections are about your nearest relative. Section 26 explains who your nearest relative is. Section 29 explains when and how your nearest relative can be changed.
Section 117	If you've been detained under section 3, 37, 45A, 47 or 48, health authorities and local social services have to provide free aftercare for you under this section. This also applies if you have section 17 leave or are on a community treatment order. This aftercare should meet your mental health needs and aim to prevent your condition from worsening, so you don't have to return to hospital.