

## **Appendix C**

### **FREQUENTLY ASKED QUESTIONS**

**Q: What is the maximum period of detention allowed under section 2?**

*A: 28 days.*

**Q: What is the maximum period of detention allowed under section 3?**

*A: 6 months. Unless it is extended (renewed).*

**Q: Who must be involved in order to detain someone under section 2 or 3?**

*A: Responsible Clinician; a Section 12 approved doctor, and an Approved Mental Health Professional or the nearest relative.*

**Q: Which sections of the Act allow forcible entry to premises to look for and remove a person?**

*A: Section 135(1) – for a person not already detained;  
Section 135(2) – for a person that is detained and has absconded.*

**Q: Who issues the warrant under sections 135(1) and 135(2)?**

*A: A magistrate.*

**Q: What does Section 136 allow the police to do?**

*A: Move a person who fits the legal criteria for Section 136 from a public place to a place of safety for assessment.*

**Q: Who is eligible for a Community Treatment Order?**

*A: Someone who is subject to Section 3, 37, 47, 48 and 45A of the Act.*

**Q: Is a person detained under the Act allowed to vote?**

*A: Yes, although forensic (Court and prison) sections are excluded.*

**Q: Where in the UK does the Act apply?**

*A: England and Wales.*