



Llywodraeth Cymru
Welsh Government

15 June 2021

Dear

ATISN 15177 – Detention under s36(3) of the Mental Health Act 1983

Thank you for your request to the Welsh Government for information under the Freedom of Information Act (2000) received on 28 May 2021. I have interpreted your requested information as follows:

How many directions were made for people to be placed in prison "as a place of safety" under s36(3) of the Mental Health Act 1983 for each of the full calendar years of 2018, 2019 and 2020

Our Response

Section 36 of the Mental Health Act 1983 relates to the remand of an accused person to hospital for treatment. It gives the Crown Court the power to remand an accused person to a hospital specified by the Court instead of into custody, if the Court is satisfied of the matters set out in s.36(1) based on evidence from two medical practitioners. The section makes further provision about who may be considered an "accused person" for these purposes and gives the Court supplementary powers linked to such accused persons who may be remanded. Decisions made under 36 are matters for the Court. This area is not devolved to the Welsh Government and HM Courts and Tribunals Service is responsible for the administration of criminal, civil and family courts and tribunals in England and Wales.

Therefore, this information is not held by the Welsh Government.

I recognise that you have previously contacted the Ministry of Justice for this information but hopefully the clarification that this request relates to powers of the court will help in identifying where this information might be held.

Next steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,

Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely,