| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-1410Responded to: 15th June 2023 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## I wish to make a Freedom of Information Request for the number of occasions Police Scotland have detained individuals under the Mental Welfare Action Section 136 in last five years.

## With a breakdown of each year.

In response to your request, I must first of all advise you that Section 136 of the Mental Health Act 1983 does not apply in Scotland.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

Individuals in Scotland can be detained for mental health reasons under section 292 (Removal from a private place under warrant) and section 297 (Removal from a public place) of the Mental Health (Care and Treatment) (Scotland) Act 2002. This gives Police Officers the power to remove someone to a place of safety as defined by the Act.

If it would be of some assistance, we may be able to provide statistics regarding the above mentioned. Please submit a new request if this is of interest to you.

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by email or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by email or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.