



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 8

#### ANTI-SOCIAL BEHAVIOUR

##### *Nuisance or disturbance on hospital premises*

#### **120 Power to remove person causing nuisance or disturbance**

- (1) If a constable reasonably suspects that a person is committing or has committed an offence under section 119, the constable may remove the person from the NHS premises concerned.
- (2) If an authorised officer reasonably suspects that a person is committing or has committed an offence under section 119, the authorised officer may—
  - (a) remove the person from the NHS premises concerned, or
  - (b) authorise an appropriate NHS staff member to do so.
- (3) Any person removing another person from NHS premises under this section may use reasonable force (if necessary).
- (4) An authorised officer cannot remove a person under this section or authorise another person to do so if the authorised officer has reason to believe that—
  - (a) the person to be removed requires medical advice, treatment or care for himself or herself, or
  - (b) the removal of the person would endanger the person's physical or mental health.
- (5) In this section—

“appropriate NHS staff member”—

**Changes to legislation:** *Criminal Justice and Immigration Act 2008, Section 120 is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) in relation to English NHS premises, means an English NHS staff member, and
  - (b) in relation to Welsh NHS premises, means a Welsh NHS staff member, “authorised officer”—
    - (a) in relation to English NHS premises, means any English NHS staff member authorised by a relevant English NHS body to exercise the powers which are conferred by this section on an authorised officer in respect of English NHS premises, and
    - (b) in relation to Welsh NHS premises, means any Welsh NHS staff member authorised by a relevant Welsh NHS body to exercise the powers which are conferred by this section on an authorised officer in respect of Welsh NHS premises,
- “English NHS staff member” means a person employed by a relevant English NHS body or otherwise working for it (whether as or on behalf of a contractor, as a volunteer or otherwise),
- “Welsh NHS staff member” means a person employed by a relevant Welsh NHS body or otherwise working for it (whether as or on behalf of a contractor, as a volunteer or otherwise).

(6) Terms defined in section 119 have the same meaning in this section as in that section.

#### Commencement Information

- I1** S. 120(1)-(4) in force at 30.11.2009 in relation to English NHS premises by [S.I. 2009/3074](#), [art. 3\(b\)](#)
- I2** S. 120(5)(6) in force at 1.1.2009 in relation to English NHS premises by [S.I. 2008/3260](#), [art. 2\(2\)\(b\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)