



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 8

ANTI-SOCIAL BEHAVIOUR

Nuisance or disturbance on hospital premises

121 Guidance about the power to remove etc.

- (1) The appropriate national authority may from time to time prepare and publish guidance to relevant NHS bodies and authorised officers about the powers in section 120.
- (2) Such guidance may, in particular, relate to—
 - (a) the authorisation by relevant NHS bodies of authorised officers,
 - (b) the authorisation by authorised officers of appropriate NHS staff members to remove persons under section 120,
 - (c) training requirements for authorised officers and persons authorised by them to remove persons under section 120,
 - (d) matters that may be relevant to a consideration by authorised officers for the purposes of section 120 of whether offences are being, or have been, committed under section 119,
 - (e) matters to be taken into account by authorised officers in deciding whether there is reason to believe that a person requires medical advice, treatment or care for himself or herself or that the removal of a person would endanger the person's physical or mental health,
 - (f) the procedure to be followed by authorised officers or persons authorised by them before using the power of removal in section 120,
 - (g) the degree of force that it may be appropriate for authorised officers or persons authorised by them to use in particular circumstances,

Changes to legislation: *Criminal Justice and Immigration Act 2008, Section 121 is up to date with all changes known to be in force on or before 22 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*

- (h) arrangements for ensuring that persons on NHS premises are aware of the offence in section 119 and the powers of removal in section 120, or
 - (i) the keeping of records.
- (3) Before publishing guidance under this section, the appropriate national authority must consult such persons as the authority considers appropriate.
- (4) A relevant NHS body and an authorised officer must, when exercising functions under, or in connection with, section 120, have regard to any guidance published by the appropriate national authority under this section.
- (5) In this section—
- “appropriate national authority”—
 - (a) in relation to a relevant English NHS body and authorised officers in respect of English NHS premises, means the Secretary of State, and
 - (b) in relation to a relevant Welsh NHS body and authorised officers in respect of Welsh NHS premises, means the Welsh Ministers,
 - “appropriate NHS staff member” and “authorised officer” have the same meaning as in section 120,
 - “relevant NHS body” means a relevant English NHS body or a relevant Welsh NHS body.
- (6) Terms defined in section 119 have the same meaning in this section as in that section.

Commencement Information

- I1** S. 121(1)-(3)(5)(6) in force at 1.1.2009 in relation to English NHS premises by [S.I. 2008/3260](#), [art. 2\(2\)\(c\)](#)
- I2** S. 121(4) in force at 30.11.2009 in relation to English NHS premises by [S.I. 2009/3074](#), [art. 3\(c\)](#)

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[View outstanding changes](#)

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\(3\)](#)