



2016 CHAPTER 18

PART 10

CRIMINAL JUSTICE

CHAPTER 7

TRANSFER FROM PRISON ETC TO HOSPITAL

Conditions for transfer to hospital under section 214, 217 or 220

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223.—(1) In this section a “relevant transfer direction” means a direction under—

- (a) section 214 (transfer of civil prisoner or immigration detainee to hospital);
- (b) section 217 (transfer to hospital of person remanded in custody by magistrates’ court); or
- (c) section 220 (transfer of certain other detainees to hospital).

(2) The conditions for giving a relevant transfer direction in respect of a person (“A”) are—

- (a) that the Department of Justice is satisfied, on the required medical reports, of the matters mentioned in subsection (3);
- (b) that, having regard to all the circumstances and in particular the matters mentioned in subsection (4), the Department of Justice considers that giving the direction is appropriate; and
- (c) that the Department is satisfied, on the written report of a person representing the managing authority of the hospital specified in the

direction, that arrangements have been made for the offender's detention in that hospital in pursuance of the direction.

- (3) The matters referred to in subsection (2)(a) are—
- (a) that A urgently needs treatment for a disorder;
 - (b) that failure to provide treatment to A as an in-patient in a hospital would be more likely than not to result in serious physical or psychological harm to A or serious physical harm to other persons; and
 - (c) that treatment appropriate to A's case is available for A in the hospital specified in the direction.
- (4) The matters referred to in subsection (2)(b) are—
- (a) the ways in which A might become an in-patient in a hospital if no direction were given under this section; and
 - (b) how likely it is that, if the direction is given and A is detained in hospital under the direction—
 - (i) consent to treatment will be given by A, or by a person with authority to give consent on behalf of A; or
 - (ii) treatment will be capable of being given to A by virtue of Part 2 of this Act (or, if A is under 16, under the Mental Health Order).
- (5) In subsection (2)(a) “the required medical reports” means written reports from at least two medical practitioners, including—
- (a) if the disorder is mental disorder, an approved medical practitioner;
 - (b) otherwise, a medical practitioner who appears to the Department of Justice to have special experience in the diagnosis or treatment of the disorder.