SCHEDULES

SCHEDULE 2

Authorisation of short-term detention in hospital for examination etc

Part 4

Supplementary provisions

Rectification of reports: substitution of medical reports

21.—(1) This paragraph applies where—

(a) a report under paragraph 2 ("the authorisation report") has been made; and

(b) at any time before the end of the permitted period it appears to the managing authority that the medical report included in the authorisation report does not comply with the requirements of paragraph 4.

(2) The managing authority may, before the end of the permitted period, give notice in writing to that effect to the person who signed the authorisation report.

(3) Where any such notice is given, the medical report is to be disregarded.

(4) But if, before the end of the permitted period—

(a) a fresh medical report is made in accordance with paragraph 4, and

(b) the fresh report states that in the opinion of the person making the report the condition in paragraph 12 is met, and has been met at all times since the making of the medical report mentioned in sub-paragraph (1)(b),

the authorisation report is valid, and is to be treated as always having been valid.

(5) Nothing in this paragraph limits the application of paragraph 20.

(6) In this paragraph—

"the managing authority" means the managing authority of the hospital specified in the authorisation report;

"the permitted period" has the same meaning as in paragraph 20.

22.—(1) This paragraph applies where—

(a) a report under paragraph 2 ("the authorisation report") has been made in respect of a person ("P"); and

(b) at any time before the end of the permitted period, it appears to the managing authority that a report under paragraph 11, 13 or 14 made in respect of P ("the original report") does not comply with the requirements of that paragraph ("the relevant paragraph").

(2) The managing authority may, before the end of the permitted period, give notice in writing to that effect to the person who signed the authorisation report.

(3) Where any such notice is given, the original report is to be disregarded.

(4) But if, before the end of the permitted period—

(a) P is examined, and a fresh report is made, in accordance with the requirements of the relevant paragraph (except any requirements as to the timing of the examination or report), and

(b) the fresh report states that in the opinion of the person making the report the condition in paragraph 12 is met, and has been met at all times since the making of the original report,

the authorisation has effect, and is treated as always having had effect, as if it had not expired by virtue of the relevant paragraph.

(5) Nothing in this paragraph limits the application of paragraph 20.

(6) In this paragraph—

"the managing authority" has the same meaning as in paragraph 21;

"the permitted period" has the same meaning as in paragraph 20.