



2016 CHAPTER 18

PART 10

CRIMINAL JUSTICE

CHAPTER 7

TRANSFER FROM PRISON ETC TO HOSPITAL

Other detainees

Termination of direction under section 220

222.—(1) This section applies where a direction under section 220 (transfer of certain detainees to hospital) is given in respect of a person (“A”).

(2) The direction (“the hospital transfer direction”) ceases to have effect, if it has not already done so, when A’s case is disposed of by the court; but this does not limit any power of the court under this Part in respect of A.

(3) If the Department of Justice receives a relevant notification before A’s case is disposed of by the court—

- (a) the Department of Justice must by warrant direct that A be removed to any place in which A might (but for the hospital transfer direction) be detained, to be dealt with there as if the hospital transfer direction had not been given; and
- (b) the hospital transfer direction ceases to have effect on A’s arrival in that place.

(4) But subsection (3) does not apply if (having received a relevant notification) the Department of Justice directs that with effect from a specified date—

- (a) A is to be treated as if he or she had been removed to the hospital under the relevant provision from a place, specified in the direction under this subsection, in which A might (but for the hospital transfer direction) be detained; and
 - (b) the hospital transfer direction is to cease to have effect.
- (5) In this section a “relevant notification” means a written notification by a suitable medical practitioner that—
- (a) in the practitioner’s opinion A does not have, or no longer has, the disorder;
 - (b) in the practitioner’s opinion it is more likely than not that, if A were transferred under subsection (3), no serious physical or psychological harm to A or serious physical harm to other persons would result from A’s ceasing to be provided with treatment for the disorder as an in-patient in hospital; or
 - (c) in the practitioner’s opinion no effective treatment for the disorder can be given to A in the hospital.
- (6) Where no direction has been given under subsection (3) or (4) and the case has not been disposed of by the court, the court may, if it is satisfied on the written or oral evidence of the responsible medical practitioner that one or more of the relevant conditions is met—
- (a) order A to be removed to any place in which A might (but for the hospital transfer direction) be detained, to be dealt with there as if the hospital transfer direction had not been given; or
 - (b) order A to be released on bail.
- (7) The “relevant conditions” referred to in subsection (6) are—
- (a) that A does not have, or no longer has, the disorder;
 - (b) that it is more likely than not that, if the court made an order under subsection (6), no serious physical or psychological harm to A or serious physical harm to other persons would result from A’s ceasing to be provided with treatment for the disorder as an in-patient in hospital;
 - (c) that no effective treatment for the disorder can be given to A in the hospital.
- (8) Where under subsection (6) the court orders A to be removed to a place or to be released on bail, the hospital transfer direction ceases to have effect on A’s arrival in that place or release on bail (as the case may be).
- (9) In this section—
- “the court” means the court having jurisdiction to try or otherwise deal with A;
 - “the disorder” means the disorder in respect of which the hospital transfer direction was given;
 - “the hospital” means the hospital where A is detained;
 - “the relevant provision” means—

Status: This is the original version (as it was originally enacted).

- (a) section 16(2) of the Prison Act (Northern Ireland) 1953; or
- (b) if A would (but for the hospital transfer direction) be detained in a juvenile justice centre, paragraph 3 of Schedule 2 to the Criminal Justice (Children) (Northern Ireland) Order 1998;

“a suitable medical practitioner” means the responsible medical practitioner or—

- (a) if the disorder was mental disorder, any approved medical practitioner;
- (b) otherwise, any medical practitioner who appears to the Department of Justice to have special experience in the diagnosis or treatment of the disorder.