



2016 CHAPTER 18

PART 10

CRIMINAL JUSTICE

CHAPTER 8

RIGHTS OF REVIEW OF DETENTION UNDER PART 10

Applications and references to Tribunal: general

Duty of HSC trust to refer case to Tribunal

229.—(1) Where—

- (a) on a relevant date, a person is liable to be detained under a public protection order or is liable to be detained in a hospital under a hospital direction or hospital transfer direction,
- (b) the order or direction has been in force throughout the relevant period, and
- (c) the Tribunal has not considered the person’s case at any time in that period,

the relevant trust must as soon as practicable refer the person’s case to the Tribunal.

(2) The “relevant period” is—

- (a) if the person is under 18, the period of one year ending with the relevant date;
- (b) otherwise, the period of two years ending with the relevant date.

(3) For the purposes of subsection (1) a “relevant date” means—

- (a) in relation to a public protection order without restrictions, a date on which the period of the order is extended under section 182 or Schedule 6;

- (b) in relation to a public protection order with restrictions, hospital direction or hospital transfer direction, any anniversary of the date of the order or direction.
- (4) For the purpose of providing information for the purposes of a reference under this section, any medical practitioner authorised by or on behalf of the person may do anything within section 275 (visiting etc powers) in relation to the person.
- (5) In this section—
 - “the person’s case” means—
 - (a) in relation to a public protection order, the question whether the person should be discharged from being liable to be detained under the order;
 - (b) in relation to a hospital direction or hospital transfer direction, the question whether the person should cease to be liable to be detained in hospital under the direction;
 - “the relevant trust” means the HSC trust in whose area the hospital or other establishment in which the person is liable to be detained is situated.
- (6) The Department may by regulations amend subsection (2) so as to alter any period mentioned there.