



2016 CHAPTER 18

PART 10
CRIMINAL JUSTICE
CHAPTER 9
SUPPLEMENTARY

Detention under Part 10: further provision

Effect of court order or direction on previous authority for hospital detention

245.—(1) Where a person is admitted to a hospital or other establishment in pursuance of a public protection order or hospital direction, any previous relevant authority by virtue of which the person was liable to be detained ceases to have effect.

(2) Each of the following is a “relevant authority” for the purposes of subsection (1)—

- (a) a public protection order;
- (b) an authorisation under Part 2.

(3) But if the public protection order or hospital direction mentioned in subsection (1), or any conviction to which it relates, is quashed on appeal—

- (a) that subsection does not apply; and
- (b) where the previous relevant authority was a public protection order without restrictions, section 189 (effect of custodial sentence) has effect as if, during any period for which the person was liable to be detained under the quashed order or direction, the person had been detained in custody.

- (4) Where the person mentioned in subsection (1) is under 16—
 - (a) the reference in subsection (1) to a relevant authority includes an application or medical report under the Mental Health Order; and
 - (b) in subsection (3)—
 - (i) the reference to a public protection order without restrictions includes a reference to such an application or medical report; and
 - (ii) the reference to section 189 includes a reference to Article 31 of that Order.