

*Changes to legislation: There are currently no known outstanding effects for the Mental Health (Amendment) Act 1982, Paragraph 39. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

#### CONSEQUENTIAL AMENDMENTS

##### Modifications etc. (not altering text)

- C1** The text of Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### PART I

*<sup>M1</sup>The Criminal Appeal Act 1968*

##### Marginal Citations

- M1** 1968 c. 19.

39 In section 37—

(a) after subsection (4) there shall be inserted—

“(4A) Where an order is made under this section in the case of a defendant who, but for the decision of the Court of Appeal, would be liable to be detained in pursuance of a remand under section 30 of the Mental Health (Amendment) Act 1983 or an interim hospital order under section 31 of that Act, the order may, if the Court of Appeal thinks fit, be one authorising his continued detention in a hospital or mental nursing home and in that event—

- (a) subsection (3) of this section shall not apply to the order ;
- (b) Part V of the said Act of 1959 shall apply to him as if he had been ordered under this section to be detained in custody so long as an appeal to the House of Lords is pending and were detained in pursuance of a transfer direction together with a restriction direction ; and
- (c) if the defendant, having been subject to an interim hospital order, is detained by virtue of this subsection and the appeal by the prosecutor succeeds, subsection (2) of the said section 31 (power of court to make hospital order in the absence of an offender who is subject to an interim hospital order) shall apply as if the defendant were still subject to an interim hospital order.” ;

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- (b) in subsection (5) for the words “subsection (3) or (4)” there shall be substituted the words “ subsection (3), (4) or (4A) ”.

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