



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART VI

#### REMOVAL AND RETURN OF PATIENTS WITHIN UNITED KINGDOM, ETC.

##### *Removal to and from Northern Ireland*

#### **81 Removal of patients to Northern Ireland**

- (1) If it appears to the Secretary of State, in the case of a patient who is for the time being liable to be detained or subject to guardianship under this Act (otherwise than by virtue of section 35, 36 or 38 above), that it is in the interests of the patient to remove him to Northern Ireland, and that arrangements have been made for admitting him to a hospital or, as the case may be, for receiving him into guardianship there, the Secretary of State may authorise his removal to Northern Ireland and may give any necessary directions for his conveyance to his destination.
- (2) Subject to the provisions of subsections (4) and (5) below, where a patient liable to be detained under this Act by virtue of an application, order or direction under any enactment in force in England and Wales is removed under this section and admitted to a hospital in Northern Ireland, he shall be treated as if on the date of his admission he had been so admitted in pursuance of an application made, or an order or direction made or given, on that date under the corresponding enactment in force in Northern Ireland, and, where he is subject to a restriction order or restriction direction under any enactment in this Act, as if he were subject to an order or direction under the corresponding enactment in force in Northern Ireland.
- (3) Where a patient subject to guardianship under this Act by virtue of an application, order or direction under any enactment in force in England and Wales is removed under this section and received into guardianship in Northern Ireland, he shall be treated as if on the date on which he arrives at the place where he is to reside he had been so received in pursuance of an application, order or direction under the corresponding enactment in force in Northern Ireland, and as if the application had been accepted or, as the case may be, the order or direction had been made or given on that date.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Where a person removed under this section was immediately before his removal liable to be detained by virtue of an application for admission for assessment under this Act, he shall, on his admission to a hospital in Northern Ireland, be treated as if he had been admitted to the hospital in pursuance of an application for admission under section 12 of the Mental Health Act (Northern Ireland) 1961 made on the date of his admission.
- (5) Where a person removed under this section was immediately before his removal liable to be detained by virtue of an application for admission for treatment under this Act, he shall, on his admission to a hospital in Northern Ireland, be treated as if—
  - (a) he had been admitted to the hospital in pursuance of an application for admission under section 12 of the Mental Health Act (Northern Ireland) 1961 made on the date of his admission; and
  - (b) a medical report under section 19 of that Act had been made in respect of him on that date.
- (6) Where a patient removed under this section was immediately before his removal liable to be detained under this Act by virtue of a transfer direction given while he was serving a sentence of imprisonment (within the meaning of section 47(5) above) imposed by a court in England and Wales, he shall be treated as if the sentence had been imposed by a court in Northern Ireland.
- (7) Where a person removed under this section was immediately before his removal subject to a restriction order or restriction direction of limited duration, the order or direction restricting his discharge to which he is subject by virtue of subsection (2) above shall expire on the date on which the restriction order or restriction direction would have expired if he had not been so removed.
- (8) In this section " hospital" has the same meaning as in the Mental Health Act (Northern Ireland) 1961.

## **82 Removal to England and Wales of patients from Northern Ireland**

- (1) If it appears to the responsible authority, in the case of a patient who is for the time being liable to be detained or subject to guardianship under the Mental Health Act (Northern Ireland) 1961, that it is in the interests of the patient to remove him to England and Wales, and that arrangements have been made for admitting him to a hospital or, as the case may be, for receiving him into guardianship there, the responsible authority may authorise his removal to England and Wales and may give any necessary directions for his conveyance to his destination.
- (2) Subject to the provisions of subsection (4) below, where a patient who is liable to be detained under the said Act of 1961 by virtue of an application, order or direction under any enactment in force in Northern Ireland is removed under this section and admitted to a hospital in England and Wales, he shall be treated as if on the date of his admission he had been so admitted in pursuance of an application made, or an order or direction made or given, on that date under the corresponding enactment in force in England and Wales and, where he is subject to an order or direction under any enactment in the said Act of 1961 restricting his discharge, as if he were subject to a restriction order or restriction direction.
- (3) Where a patient subject to guardianship under the said Act of 1961 by virtue of an application, order or direction under any enactment in force in Northern Ireland is removed under this section and received into guardianship in England and Wales, he shall be treated as if on the date on which he arrives at the place where he is to reside

he had been so received in pursuance of an application, order or direction under the corresponding enactment in force in England and Wales and as if the application had been accepted or, as the case may be, the order or direction had been made or given on that date.

- (4) Where a person removed under this section was immediately before his removal liable to be detained by virtue of an application for admission under section 12 of the said Act of 1961 he shall—
  - (a) if a report under section 19 of that Act has not been made in respect of him, be treated, on his admission to a hospital in England and Wales, as if he had been admitted to the hospital in pursuance of an application for admission for assessment made on the date of his admission;
  - (b) if a report under the said section 19 has been made in respect of him, be treated, on his admission to a hospital in England and Wales, as if he had been admitted to the hospital in pursuance of an application for admission for treatment made on the date of his admission.
- (5) Where a patient removed under this section was immediately before his removal liable to be detained under the said Act of 1961 by virtue of a transfer direction given while he was serving a sentence of imprisonment (within the meaning of section 58(6) of that Act) imposed by a court in Northern Ireland, he shall be treated as if the sentence had been imposed by a court in England and Wales.
- (6) Where a person removed under this section was immediately before his removal subject to an order or direction restricting his discharge, being an order or direction of limited duration, the restriction order or restriction direction to which he is subject by virtue of subsection (2) above shall expire on the date on which the first-mentioned order or direction would have expired if he had not been so removed.
- (7) In this section " the responsible authority " means the Department of Health and Social Services for Northern Ireland or, in relation to a patient who is subject to an order or direction restricting his discharge, the Secretary of State.