



Mental Health Act 1983

1983 CHAPTER 20

PART III

PATIENTS CONCERNED IN CRIMINAL PROCEEDINGS OR UNDER SENTENCE

Transfer to hospital of prisoners, etc.

52 Further provisions as to persons remanded by magistrates' courts.

- (1) This section has effect where a transfer direction has been given in respect of any such person as is described in paragraph (b) of section 48(2) above; and that person is in this section referred to as “the accused”.
- (2) Subject to subsection (5) below, the transfer direction shall cease to have effect on the expiration of the period of remand unless the accused is ^{F1}[sent] in custody to the Crown Court for trial or to be otherwise dealt with.
- (3) Subject to subsection (4) below, the power of further remanding the accused under section 128 of the ^{M1} Magistrates' Courts Act 1980 may be exercised by the court without his being brought before the court; and if the court further remands the accused in custody (whether or not he is brought before the court) the period of remand shall, for the purposes of this section, be deemed not to have expired.
- (4) The court shall not under subsection (3) above further remand the accused in his absence unless he has appeared before the court within the previous six months.
- (5) If the magistrates' court is satisfied, on the written or oral evidence of the [^{F2}responsible clinician]—
 - (a) that the accused no longer requires treatment in hospital for mental disorder; or
 - (b) that no effective treatment for his disorder can be given in the hospital to which he has been removed,

the court may direct that the transfer direction shall cease to have effect notwithstanding that the period of remand has not expired or that the accused is [^{F3}sent] to the Crown Court as mentioned in subsection (2) above.

Status: Point in time view as at 05/11/2012. This version of this provision has been superseded.

Changes to legislation: Mental Health Act 1983, Section 52 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (6) If the accused is [^{F4}sent] to the Crown Court as mentioned in subsection (2) above and the transfer direction has not ceased to have effect under subsection (5) above, section 51 above shall apply as if the transfer direction given in his case were a direction given in respect of a person falling within that section.
- (7) The magistrates' court may, in the absence of the accused, [^{F5}send him to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998] if—
- (a) the court is satisfied, on the written or oral evidence of the [^{F2}responsible clinician], that the accused is unfit to take part in the proceedings; and
 - (b) ^{F6} . . . the accused is represented by [^{F7} an authorised person].

Textual Amendments

- F1** Word in s. 52(2) substituted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 55\(3\)\(a\)](#); [S.I. 2005/1267](#), art. 2(1)(2)(a), [Sch. Pt. 1 para. 1\(1\)\(k\)](#); [S.I. 2012/1320](#), art. 4(1)(c) (2) (3) (with art. 5 and [S.I. 2012/2574](#), art. 4(2)); [S.I. 2012/2574](#), art. 2(1)(c)(2)(3), [Sch.](#) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2) (with arts. 3, 4 of said [S.I. 2012/2574](#) and [S.I. 2013/1103](#), art. 4)
- F2** Words in s. 52(5)(7) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 11\(4\)](#), (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(b\)56](#) (with [art. 3](#), [Sch.](#))
- F3** Word in s. 52(5) substituted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 55\(3\)\(b\)](#); [S.I. 2005/1267](#), art. 2(1)(2)(a), [Sch. Pt. 1 para. 1\(1\)\(k\)](#); [S.I. 2012/1320](#), art. 4(1)(c) (2) (3) (with art. 5 and [S.I. 2012/2574](#), art. 4(2)); [S.I. 2012/2574](#), art. 2(1)(c)(2)(3), [Sch.](#) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2) (with arts. 3, 4 of said [S.I. 2012/2574](#) and [S.I. 2013/1103](#), art. 4)
- F4** Word in s. 52(6) substituted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 55\(3\)\(c\)](#); [S.I. 2005/1267](#), art. 2(1)(2)(a), [Sch. Pt. 1 para. 1\(1\)\(k\)](#); [S.I. 2012/1320](#), art. 4(1)(c) (2) (3) (with art. 5 and [S.I. 2012/2574](#), art. 4(2)); [S.I. 2012/2574](#), art. 2(1)(c)(2)(3), [Sch.](#) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2) (with arts. 3, 4 of said [S.I. 2012/2574](#) and [S.I. 2013/1103](#), art. 4)
- F5** Word in s. 52(7) substituted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 55\(3\)\(d\)](#); [S.I. 2005/1267](#), art. 2(1)(2)(a), [Sch. Pt. 1 para. 1\(1\)\(k\)](#); [S.I. 2012/1320](#), art. 4(1)(c) (2) (3) (with art. 5 and [S.I. 2012/2574](#), art. 4(2)); [S.I. 2012/2574](#), art. 2(1)(c)(2)(3), [Sch.](#) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2) (with arts. 3, 4 of said [S.I. 2012/2574](#) and [S.I. 2013/1103](#), art. 4)
- F6** Words in s. 52(7)(b) repealed (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 55\(3\)\(d\)](#), [Sch. 37 Pt. 4](#); [S.I. 2005/1267](#), art. 2(1)(2)(a), [Sch. Pt. 1 para. 1\(1\)\(k\)](#); [S.I. 2012/1320](#), art. 4(1)(c) (2) (3) (with art. 5 and [S.I. 2012/2574](#), art. 4(2)); [S.I. 2012/2574](#), art. 2(1)(c)(2)(3), [Sch.](#) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2) (with arts. 3, 4 of said [S.I. 2012/2574](#) and [S.I. 2013/1103](#), art. 4)
- F7** Words in s. 52(7)(b) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), [ss. 208](#), [211](#), [Sch. 21 para. 57](#) (with [ss. 29](#), [192](#), [193](#)); [S.I. 2009/3250](#), [art. 2\(h\)](#) (subject to [art. 6](#), [9](#))

Marginal Citations

- M1** [1980 c. 43](#) .

Status:

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Changes to legislation:

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