

Status: Point in time view as at 01/01/1992.

Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991, Part II. (See end of Document for details)

SCHEDULES

SCHEDULE 2

SUPERVISION AND TREATMENT ORDERS

PART II

MAKING AND EFFECT OF ORDERS

Circumstances in which orders may be made

- 2 (1) The court shall not make a supervision and treatment order unless it is satisfied—
- (a) that, having regard to all the circumstances of the case, the making of such an order is the most suitable means of dealing with the accused or appellant; and
 - (b) on the written or oral evidence of two or more registered medical practitioners, at least one of whom is duly approved, that the mental condition of the accused or appellant—
 - (i) is such as requires and may be susceptible to treatment; but
 - (ii) is not such as to warrant the making of an admission order within the meaning of Schedule 1 to this Act, or the making of a guardianship order within the meaning of the 1983 Act.
- (2) The court shall not make a supervision and treatment order unless it is also satisfied—
- (a) that the supervising officer intended to be specified in the order is willing to undertake the supervision; and
 - (b) that arrangements have been made for the treatment intended to be specified in the order (including arrangements for the reception of the accused or appellant where he is to be required to submit to treatment as a resident patient).
- (3) Subsections (2) and (3) of section 54 of the 1983 Act shall have effect with respect to proof of a person's mental condition for the purposes of sub-paragraph (1) above as they have effect with respect to proof of an offender's mental condition for the purposes of section 37(2)(a) of that Act.

Commencement Information

II Sch. 2 para. 2. wholly in force at 1.1.1992 see s. 9(2) and S.I. 1991/2488, art. 2.

Making of orders and general requirements

- 3 (1) A supervision and treatment order shall either—

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- (a) specify the local social services authority area in which the supervised person resides or will reside, and require him to be under the supervision of a social worker of the local social services authority for that area; or
 - (b) specify the petty sessions area in which that person resides or will reside, and require him to be under the supervision of a probation officer appointed for or assigned to that area.
- (2) Before making such an order, the court shall explain to the supervised person in ordinary language—
- (a) the effect of the order (including any requirements proposed to be included in the order in accordance with paragraph 5 below); and
 - (b) that a magistrates' court has power under paragraphs 6 to 8 below to review the order on the application either of the supervised person or of the supervising officer.
- (3) After making such an order, the court shall forthwith give copies of the order to a probation officer assigned to the court, and he shall give a copy—
- (a) to the supervised person;
 - (b) to the supervising officer; and
 - (c) to the person in charge of any institution in which the supervised person is required by the order to reside.
- (4) After making such an order, the court shall also send to the clerk to the justices for the petty sessions area in which the supervised person resides or will reside (“the petty sessions area concerned”)—
- (a) a copy of the order; and
 - (b) such documents and information relating to the case as it considers likely to be of assistance to a court acting for that area in the exercise of its functions in relation to the order.
- (5) Where such an order is made, the supervised person shall keep in touch with the supervising officer in accordance with such instructions as he may from time to time be given by that officer and shall notify him of any change of address.

Commencement Information

I2 Sch. 2 para. 3 wholly in force at 1.1.1992 see s. 9(2) and S.I. 1991/2488, art. 2.

Obligatory requirements as to medical treatment

- 4 (1) A supervision and treatment order shall include a requirement that the supervised person shall submit, during the whole of the period specified in the order or during such part of that period as may be so specified, to treatment by or under the direction of a registered medical practitioner with a view to the improvement of his mental condition.
- (2) The treatment required by any such order shall be such one of the following kinds of treatment as may be specified in the order, that is to say—

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- (a) treatment as a resident patient in a hospital or mental nursing home, not being a special hospital within the meaning of the ^{M1}National Health Service Act 1977;
- (b) treatment as a non-resident patient at such institution or place as may be specified in the order; and
- (c) treatment by or under the direction of such registered medical practitioner as may be so specified;

but the nature of the treatment shall not be specified in the order except as mentioned in paragraph (a), (b) or (c) above.

- (3) While the supervised person is under treatment as a resident patient in pursuance of a requirement of a supervision and treatment order, the supervising officer shall carry out the supervision to such extent only as may be necessary for the purpose of the revocation or amendment of the order.
- (4) Where the medical practitioner by whom or under whose direction the supervised person is being treated for his mental condition in pursuance of a supervision and treatment order is of the opinion that part of the treatment can be better or more conveniently given in or at an institution or place which—
 - (a) is not specified in the order; and
 - (b) is one in or at which the treatment of the supervised person will be given by or under the direction of a registered medical practitioner,he may, with the consent of the supervised person, make arrangements for him to be treated accordingly.
- (5) Such arrangements as are mentioned in sub-paragraph (4) above may provide for the supervised person to receive part of his treatment as a resident patient in an institution or place notwithstanding that the institution or place is not one which could have been specified for that purpose in the supervision and treatment order.
- (6) Where any such arrangements as are mentioned in sub-paragraph (4) above are made for the treatment of a supervised person—
 - (a) the medical practitioner by whom the arrangements are made shall give notice in writing to the supervising officer, specifying the institution or place in or at which the treatment is to be carried out; and
 - (b) the treatment provided for by the arrangements shall be deemed to be treatment to which he is required to submit in pursuance of the supervision and treatment order.

Commencement Information

I3 Sch. 2 para. 4 wholly in force at 1.1.1992 see s. 9(2) and S.I. 1991/2488, art. 2.

Marginal Citations

M1 1977 c. 49.

Optional requirements as to residence

- 5 (1) Subject to sub-paragraphs (2) and (3) below, a supervision and treatment order may include requirements as to the residence of the supervised person.

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- (2) Before making such an order containing any such requirement, the court shall consider the home surroundings of the supervised person.
- (3) Where such an order requires the supervised person to reside in an approved hostel or any other institution, the period for which he is so required to reside shall be specified in the order.

Commencement Information

I4 Sch. 2 para. 5. wholly in force at 1.1.1992 see s. 9(2) and S.I. 1991/2488, art. 2.

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