

SCHEDULES

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

Mental Health Act 1983 (c. 20)

- 12 (1) In subsection (1) of section 37 of the 1983 Act (powers of courts to order hospital admission or guardianship), after the words “is fixed by law” there shall be inserted the words “or falls to be imposed under section 2(2) of the Crime Sentences) Act 1997”.
- (2) After that subsection there shall be inserted the following subsection—
- “(1A) In the case of an offence the sentence for which would otherwise fall to be imposed under subsection (2) of section 3 or 4 of the Crime (Sentences) Act 1997, nothing in that subsection shall prevent a court from making an order under subsection (1) above for the admission of the offender to a hospital.”
- (3) In subsection (4) of that section, the words “in the event of such an order being made by the court” shall cease to have effect.
- (4) After subsection (3) of section 50 of that Act (further provisions as to prisoners under sentence) there shall be inserted the following subsection—
- “(3A) In applying subsection (3) above account shall be taken of any early release days awarded to the person under section 11 of the Crime (Sentences) Act 1997 (read with section 22 of that Act).”
- (5) After subsection (4) of that section there shall be inserted the following subsection—
- “(5) The preceding provisions of this section shall have effect as if—
- (a) the reference in subsection (1) to a transfer direction and a restriction direction having been given in respect of a person serving a sentence of imprisonment included a reference to a hospital direction and a limitation direction having been given in respect of a person sentenced to imprisonment;
 - (b) the reference in subsection (2) to a restriction direction included a reference to a limitation direction; and
 - (c) references in subsections (3) and (4) to a transfer direction included references to a hospital direction.”
- (6) In section 54 of that Act (requirements as to medical evidence), after the words “38(1)” there shall be inserted the words “45A(2)”.
- (7) In subsection (2) of section 61 of that Act (review of treatment)—
- (a) after the words “restriction order” there shall be inserted the words “, limitation direction”; and

Status: This is the original version (as it was originally enacted).

- (b) in paragraph (b), after the words “section 41(6)” there shall be inserted the words “, 45B(3)”.
- (8) In subsection (2)(b) of section 69 of that Act (applications to tribunals concerning patients subject to hospital and guardianship orders), after the word “section” there shall be inserted “45B(2),”.
- (9) In section 70(a) of that Act (applications to tribunals concerning restricted patients), after the words “hospital order” there shall be inserted the words “, hospital direction”.
- (10) In subsection (1) of section 74 of that Act (restricted patients), after the words “who is subject to” there shall be inserted the words “a limitation direction or”.
- (11) In subsection (5) of that section, after the word “above” there shall be inserted the words “the relevant hospital direction and the limitation direction or, as the case may be,”.
- (12) In subsection (6) of that section, after the words “references to”, in the second place where they occur, there shall be inserted the words “the hospital direction and the limitation direction or, as the case may be, to”.
- (13) In section 75(1)(b) of that Act (applications and references concerning conditionally discharged restricted patients), after the words “hospital order” there shall be inserted the words “, hospital direction”.
- (14) In subsection (1) of section 79 of that Act (interpretation of Part V), after the words “restriction order” there shall be inserted the words “, limitation direction”.
- (15) In subsection (2) of that section—
- (a) after the words ““the relevant hospital order”” there shall be inserted the words “, “the relevant hospital direction””; and
 - (b) after the words “the hospital order” there shall be inserted the words “, the hospital direction”.
- (16) After subsection (3) of section 92 of that Act (interpretation of Part VI) there shall be inserted the following subsections—
- “(4) Sections 80 to 85A above shall have effect as if—
- (a) any hospital direction under section 45A above were a transfer direction under section 47 above; and
 - (b) any limitation direction under section 45A above were a restriction direction under section 49 above.
- (5) Sections 80(5), 81(6) and 85(4) above shall have effect as if any reference to a transfer direction given while a patient was serving a sentence of imprisonment imposed by a court included a reference to a hospital direction given by a court after imposing a sentence of imprisonment on a patient.”
- (17) In subsection (1) of section 117 of that Act (after-care), after the words “transferred to a hospital in pursuance of” there shall be inserted the words “a hospital direction made under section 45A above or”.
- (18) In subsection (3) of section 143 of that Act (general provisions as to regulations, orders and rules), after the word “section” there shall be inserted the word “45A(10),”.

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- (19) In subsection (1) of section 145 of that Act (interpretation)—
- (a) after the definition of “hospital” there shall be inserted the following definition—
 - ““hospital direction” has the meaning given in section 45A(3)(a) above;”;
 - (b) after the definition of “interim hospital order” there shall be inserted the following definition—
 - ““limitation direction” has the meaning given in section 45A(3)(b) above;”.