



Domestic Violence, Crime and Victims Act 2004

2004 CHAPTER 28

PART 3

VICTIMS ETC

CHAPTER 2

REPRESENTATIONS AND INFORMATION

Hospital orders

[^{F1}36A Supplemental provision for case where no restriction order made

- (1) This section applies if, in a case where section 36 applies, the hospital order in respect of the patient was made without a restriction order.
- (2) Subsection (3) applies if a person who appears to the local probation board or provider of probation services mentioned in section 36(4) to be the victim of the offence or to act for the victim of the offence, when his wishes are ascertained under section 36(4), expresses a wish—
 - (a) to make representations about a matter specified in section 36(5), or
 - (b) to receive the information specified in section 36(6).
- (3) The local probation board or the provider of probation services must—
 - (a) notify the managers of the hospital in which the patient is detained of that person's wish and of that person's name and address, and
 - (b) notify that person of the name and address of the hospital.
- (4) Subsection (5) applies if a person who appears to the local probation board or provider of probation services mentioned in section 36(4) to be the victim of the offence or to

Changes to legislation: Domestic Violence, Crime and Victims Act 2004, Section 36A is up to date with all changes known to be in force on or before 21 August 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) [View outstanding changes](#)

act for the victim of the offence, subsequently to his wishes being ascertained under section 36(4), expresses a wish to do something specified in subsection (2)(a) or (b).

- (5) The local probation board or provider of probation services mentioned in section 36(4) must take all reasonable steps—
- (a) to ascertain whether the hospital order made in respect of the patient continues in force and whether a community treatment order is in force in respect of him, and
 - (b) if the board or provider ascertains that the hospital order does continue in force—
 - (i) to notify the managers of the relevant hospital of that person's wish, and
 - (ii) to notify that person of the name and address of the hospital.
- (6) The relevant hospital is—
- (a) the hospital in which the patient is detained, or
 - (b) if a community treatment order is in force in respect of the patient, the responsible hospital.]

Textual Amendments

- F1** S. 36A inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 48, 56(1), [Sch. 6 para. 3](#) (as amended by [S.I. 2008/912](#), [Sch. 1 para. 24\(2\)\(a\)](#)) (with s. 50(8)-(13)); [S.I. 2008/1900](#), arts. 1(1), [2\(o\)](#) (with [art. 3](#), [Sch.](#))

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8A and cross-heading inserted by [2024 c. 21 s. 19\(2\)](#)
- s. 37ZA inserted by [2024 c. 21 s. 21\(3\)](#)
- s. 49(4A) inserted by [2024 c. 21 s. 22\(2\)\(c\)](#)
- s. 49(5A) inserted by [2024 c. 21 s. 22\(2\)\(d\)](#)
- s. 49A inserted by [2024 c. 21 s. 22\(3\)](#)
- s. 51A inserted by [2024 c. 21 s. 22\(4\)](#)
- Sch. 9 para. 26A inserted by [2015 c. 2 Sch. 3 para. 12](#)
- Sch. 9 para. 11A inserted by [2024 c. 21 s. 22\(5\)\(b\)](#)
- Sch. 9 para. 16A inserted by [2024 c. 21 s. 22\(5\)\(c\)](#)
- Sch. 9 para. 29A-29C inserted by [2024 c. 21 s. 22\(5\)\(d\)](#)