



Domestic Violence, Crime and Victims Act 2004

2004 CHAPTER 28

PART 3

VICTIMS ETC

CHAPTER 2

REPRESENTATIONS AND INFORMATION

Transfer directions

[^{F1}42A Supplemental provision for case where no restriction direction given

- (1) This section applies if, in a case where section 42 applies, the transfer direction in respect of the patient was given without a restriction direction.
- (2) Subsection (3) applies if a person who appears to the local probation board or provider of probation services mentioned in section 42(2) to be the victim of the offence or to act for the victim of the offence, when his wishes are ascertained under section 42(2), expresses a wish—
 - (a) to make representations about a matter specified in section 42(3), or
 - (b) to receive the information specified in section 42(4).
- (3) The local probation board or 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 42(2) to be the victim of the offence or to

Changes to legislation: Domestic Violence, Crime and Victims Act 2004, Section 42A is up to date with all changes known to be in force on or before 19 April 2019. 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)

act for the victim of the offence, subsequently to his wishes being ascertained under section 42(2), expressed 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 42(2) must take all reasonable steps—
- (a) to ascertain whether the transfer direction given 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 the provider ascertains that the transfer direction 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 has the meaning given in section 36A(6).]

Annotations:

Amendments (Textual)

- F1** S. 42A inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 48, 56(1), [Sch. 6 para. 11](#) (as amended by [S.I. 2008/912](#), [Sch. 1 para. 24\(2\)\(d\)](#)) (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):

- Sch. 9 para. 26A inserted by [2015 c. 2 Sch. 3 para. 12](#)