



Domestic Violence, Crime and Victims Act 2004

2004 CHAPTER 28

PART 3

VICTIMS ETC

CHAPTER 2

REPRESENTATIONS AND INFORMATION

Interpretation

45 ^[F1]Interpretation: sections 35 to 44B]

(1) In sections 35 to ^[F2]44B]—

^[F3]“community treatment order” has the meaning given in section 17A of the Mental Health Act 1983;

“court” does not include ^[F4]the Court Martial or the Court Martial Appeal Court];

“hospital direction” has the meaning given in section 45A(3)(a) of the Mental Health Act 1983 (c. 20);

“hospital order” has the meaning given in section 37(4) of that Act;

“licence condition” means a condition in a licence;

“limitation direction” has the meaning given in section 45A(3)(b) of the Mental Health Act 1983;

“local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000 (c. 43);

^[F5]“the managers” has the meaning given in section 145 of the Mental Health Act 1983;

“relevant sentence” means any of these—

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- (a) a sentence of imprisonment for a term of 12 months or more;
 - (b) a sentence of detention during Her Majesty's pleasure;
 - (c) a sentence of detention for a period of 12 months or more under [F6 section 250 [F7 or 252A] of the Sentencing Code] (offenders under 18 convicted of certain serious offences);
 - (d) a detention and training order for a term of 12 months or more;]
- [F8“responsible clinician” means the responsible clinician for the purposes of Part 3 of the Mental Health Act 1983;]
- [F9“responsible hospital” has the meaning given in section 17A of the Mental Health Act 1983;]
- “restriction direction” has the meaning given in section 49(2) of the Mental Health Act 1983;
- “restriction order” has the meaning given in section 41(1) of that Act;
- “supervision requirements” means requirements specified in a notice under [F10 section 242(4) of the Sentencing Code];
- “transfer direction” has the meaning given in section 47(1) of the Mental Health Act 1983.
- (2) For the purposes of sections 35 to [F11 44B], an offence is a sexual[F12, violent or terrorism] offence if it is any of these—
- (a) murder or an offence specified in [F13 Schedule 18 to the Sentencing Code];
 - (b) an offence in respect of which the patient or offender is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 (c. 42));
 - (c) an offence against a child within the meaning of Part 2 of the Criminal Justice and Court Services Act 2000.
- [F14(3) A reference in sections 35 to 44B to a place in which a person is detained includes a reference to a place in which he is liable to be detained under the Mental Health Act 1983.
- (4) For the purposes of section 32(3) of that Act (regulations as to delegation of managers' functions, etc.) as applied by Parts 1 and 2 of Schedule 1 to that Act, a function conferred on the managers of a hospital under sections 35 to 44B of this Act is to be treated as a function of theirs under Part 3 of that Act.]

Textual Amendments

- F1** S. 45 title substituted (3.11.2008) by virtue of [Mental Health Act 2007 \(c. 12\)](#), ss. 48, 56(1), [Sch. 6 para. 16\(1\)](#) (with s. 50(8)-(13)); S.I. 2008/1900, arts. 1(1), [2\(o\)](#) (with art. 3, Sch.)
- F2** Words in s. 45(1) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 48, 56(1), [Sch. 6 para. 16\(2\)\(a\)](#) (with s. 50(8)-(13)); S.I. 2008/1900, arts. 1(1), [2\(o\)](#) (with art. 3, Sch.)
- F3** S. 45(1): definition of "community treatment order" inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 48, 56(1), [Sch. 6 para. 16\(2\)\(b\)](#) (with s. 50(8)-(13)); S.I. 2008/1900, arts. 1(1), [2\(o\)](#) (with art. 3, Sch.)
- F4** Words in s. 45(1) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), [Sch. 16 para. 239](#); S.I. 2009/812, [art. 3](#); S.I. 2009/1167, {art. 4} (and see transitional provisions in S.I. 2009/1059)
- F5** S. 45(1): definition of "the managers" inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 48, 56(1), [Sch. 6 para. 16\(2\)\(b\)](#) (with s. 50(8)-(13)); S.I. 2008/1900, arts. 1(1), [2\(o\)](#) (with art. 3, Sch.)
- F6** Words in s. 45(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 252\(2\)\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

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- F7** Words in s. 45(1) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1) (i), **Sch. 13 para. 22**
- F8** S. 45(1): definition of "responsible clinician" inserted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 48, 56(1), **Sch. 6 para. 16(2)(b)** (with s. 50(8)-(13)); S.I. 2008/1900, arts. 1(1), **2(o)** (with art. 3, Sch.)
- F9** S. 45(1): definition of "responsible hospital" inserted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 48, 56(1), **Sch. 6 para. 16(2)(b)** (with s. 50(8)-(13)); S.I. 2008/1900, arts. 1(1), **2(o)** (with art. 3, Sch.)
- F10** Words in s. 45(1) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 252(2)(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F11** Words in s. 45(2) substituted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 48, 56(1), **Sch. 6 para. 16(3)** (with s. 50(8)-(13)); S.I. 2008/1900, arts. 1(1), **2(o)** (with art. 3, Sch.)
- F12** Words in s. 45(2) substituted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(3), **Sch. 4 para. 10(e)** (with s. 25(3)(4))
- F13** Words in s. 45(2)(a) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 252(3)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F14** S. 45(3)(4) inserted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 48, 56(1), **Sch. 6 para. 16(4)** (with s. 50(8)-(13)); S.I. 2008/1900, arts. 1(1), **2(o)** (with art. 3, Sch.)

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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](#)