

SCHEDULES

SCHEDULE 1

FURTHER PROVISIONS ABOUT YOUTH REHABILITATION ORDERS

PART 2

REQUIREMENTS

Mental health treatment requirement

- 20 (1) In this Part of this Act “mental health treatment requirement”, in relation to a youth rehabilitation order, means a requirement that the offender must submit, during a period or periods specified in the order, to treatment by or under the direction of a registered medical practitioner or a chartered psychologist (or both, for different periods) with a view to the improvement of the offender’s mental condition.
- (2) The treatment required during a period specified under sub-paragraph (1) must be such one of the following kinds of treatment as may be specified in the youth rehabilitation order—
- (a) treatment as a resident patient in an independent hospital or care home within the meaning of the Care Standards Act 2000 (c. 14) or a hospital within the meaning of the Mental Health Act 1983 (c. 20), but not in hospital premises where high security psychiatric services within the meaning of that Act are provided;
 - (b) treatment as a non-resident patient at such institution or place as may be specified in the order;
 - (c) treatment by or under the direction of such registered medical practitioner or chartered psychologist (or both) as may be so specified;
- but the order must not otherwise specify the nature of the treatment.
- (3) A court may not include a mental health treatment requirement in a youth rehabilitation order unless—
- (a) the court is satisfied, on the evidence of a registered medical practitioner approved for the purposes of section 12 of the Mental Health Act 1983 (c. 20), that the mental condition of the offender—
 - (i) is such as requires and may be susceptible to treatment, but
 - (ii) is not such as to warrant the making of a hospital order or guardianship order within the meaning of that Act,
 - (b) the court is also satisfied that arrangements have been or can be made for the treatment intended to be specified in the order (including, where the offender is to be required to submit to treatment as a resident patient, arrangements for the reception of the offender), and
 - (c) the offender has expressed willingness to comply with the requirement.

Status: This is the original version (as it was originally enacted).

- (4) While the offender is under treatment as a resident patient in pursuance of a mental health treatment requirement of a youth rehabilitation order, the responsible officer is to carry out the supervision of the offender to such extent only as may be necessary for the purpose of the revocation or amendment of the order.
- (5) Subsections (2) and (3) of section 54 of the Mental Health Act 1983 have effect with respect to proof of an offender's mental condition for the purposes of subparagraph (3)(a) 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.
- (6) In this paragraph and paragraph 21, "chartered psychologist" means a person for the time being listed in the British Psychological Society's Register of Chartered Psychologists.