



Criminal Justice Act 1948

1948 CHAPTER 58

PART I

POWERS AND PROCEEDINGS OF COURTS.

Probation and discharge.

4 Probation orders requiring treatment for mental condition.

- (1) Where the court is satisfied, on the evidence of a duly qualified medical practitioner appearing to the court to be experienced in the diagnosis of mental disorders, that the mental condition of an offender is such as requires and as may be susceptible to treatment but is not such as to justify his being certified as a person of unsound mind under the Lunacy Act, 1890, or as a defective under the Mental Deficiency Act, 1913, the court may, if it makes a probation order, include therein a requirement that the offender shall submit, for such period not extending beyond twelve months from the date of the order as may be specified therein, to treatment by or under the direction of a duly qualified medical practitioner with a view to the improvement of the offender's mental condition.
- (2) The treatment required by any such order shall be such one of the following kinds of treatment as may be specified in the order, that is to say—
 - (a) treatment as a voluntary patient under section one of the Mental Treatment Act, 1930, in such institution within the meaning of that Act, or in such hospital, nursing home or place approved by the Minister of Health for the purposes of the said section one, or in the charge of such person so approved, as may be specified in the order;
 - (b) treatment as a resident patient in such institution or place approved for the purposes of this section by the said Minister as may be specified in the order;
 - (c) treatment as a non-resident patient at such institution or place as may be specified in the order; or
 - (d) treatment by or under the direction of such duly qualified medical practitioner as may be specified in the order;

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but except as aforesaid the nature of the treatment shall not be specified in the order.

- (3) A court shall not make a probation order containing such a requirement as aforesaid unless it is satisfied that arrangements have been or can be made for the treatment intended to be specified in the order, and, if the offender is to be treated as a voluntary patient or as a resident patient as aforesaid, for his reception.
- (4) While the probationer is under treatment as a voluntary patient or as a resident patient in pursuance of a requirement of the probation order, the probation officer responsible for his supervision shall carry out the supervision to such extent only as may be necessary for the purpose of the discharge or amendment of the order.
- (5) Where the medical practitioner by whom or under whose direction a probationer is being treated for his mental condition in pursuance of a probation order is of opinion that part of the treatment can be better or more conveniently given in or at an institution or place not specified in the order, being an institution or place in or at which the treatment of the probationer will be given by or under the direction of a duly qualified medical practitioner, he may, with the consent of the probationer, make arrangements for him to be treated accordingly; and the arrangements may provide for the probationer to receive part of his treatment as a resident patient in an institution or place notwithstanding that the institution or place is not one which could have been specified in that behalf in the probation order.
- (6) Where any such arrangements as are mentioned in the last foregoing subsection are made for the treatment of a probationer—
 - (a) the medical practitioner by whom the arrangements are made shall give notice in writing to the probation officer responsible for the supervision of the probationer, specifying the institution or place in or at which the treatment is to be carried out; and
 - (b) the treatment provided for by the arrangements shall be deemed to be treatment to which he is required to submit in pursuance of the probation order.
- (7) Subject as hereinafter provided, a report in writing as to the mental condition of any person purporting to be signed by a duly qualified medical practitioner experienced in the diagnosis of mental disorders may be received in evidence for the purposes of subsection (1) of this section without proof of the signature, qualifications or experience of the practitioner :

Provided that such a report shall not be so received unless the person to whom it relates consents or, where that person is under seventeen years of age, unless his parent or guardian consents or no parent or guardian can be found.
- (8) Where a person of whose mental condition evidence is received for the purposes of subsection (1) of this section (or, where that person is under seventeen years of age, his parent or guardian) desires to call rebutting evidence, the court shall not make a probation order in his case containing any such requirement as is authorised by this section unless he, or his parent or guardian, as the case may be, has been afforded an opportunity of calling such evidence.
- (9) Except as provided by this section, a court shall not make a probation order requiring a probationer to submit to treatment for his mental condition.