



Criminal Justice Act 1948

1948 CHAPTER 58

PART II

ADMINISTRATIVE PROVISIONS AND PROVISIONS AS TO TREATMENT OF PRISONERS, ETC.

Treatment of persons of unsound mind and mental defectives.

64 Treatment of persons transferred from prisons, etc. to institutions for mental defectives.

- (1) Where any person has, under an order made by the Secretary of State under section nine of the Mental Deficiency Act, 1913, been transferred from a prison or other institution to which the Prison Acts, 1865 to 1898, apply or from an approved school or Broadmoor institution in which he is detained to an institution for defectives, he shall not, without the consent of the Secretary of State, be set at large from the institution for defectives during the period during which he would have been detained in a prison or other institution if he had not been so transferred.
- (2) If during the period aforesaid the order under the said section nine expires, or the person to whom that order relates is ordered to be discharged from the institution for defectives, the Secretary of State shall, unless he gives his consent under the last foregoing subsection, remit that person to a prison or other institution in which he might have been detained if he had not been so transferred; and any person so remitted shall be liable to be dealt with as if he had not been transferred under the said section nine but had remained in the prison or institution from which he was so transferred.
- (3) Subsection (1) of section sixteen of the Mental Deficiency Act, 1913, shall not apply to a person detained in an institution for defectives during the period aforesaid; but if at any time during that period it appears to two justices of the peace having jurisdiction in the petty sessional division or place where the institution for defectives is situated and to two duly qualified medical practitioners that any person so transferred to the institution is of unsound mind, they shall certify in writing to that effect and the Secretary of State may thereupon by warrant direct that he be removed to the mental

Status: This is the original version (as it was originally enacted).

hospital named in the warrant; and the Criminal Lunatics Act, 1884, shall apply to him as if he had been removed to the mental hospital from a prison.