



2016 CHAPTER 18

PART 10

CRIMINAL JUSTICE

CHAPTER 8

RIGHTS OF REVIEW OF DETENTION UNDER PART 10

*Powers of Tribunal as to public protection orders*

**Sections 231 and 232: the prevention of serious harm condition**

**233.** For the purposes of sections 231 and 232, the prevention of serious harm condition is that—

- (a) there is an impairment, or disturbance in the functioning of, the person's mind or brain;
- (b) releasing the person from detention in an appropriate establishment would create a risk, linked to the impairment or disturbance, of serious physical or psychological harm to other persons; and
- (c) the likelihood and seriousness of the harm concerned are such that detaining the person in an appropriate establishment in circumstances amounting to a deprivation of liberty is a proportionate response.