



2016 CHAPTER 18

PART 10

CRIMINAL JUSTICE

CHAPTER 7

TRANSFER FROM PRISON ETC TO HOSPITAL

*Persons remanded in custody by magistrates' court*

**Transfer to hospital of person remanded by magistrates' court**

**217.**—(1) Where—

- (a) a person is remanded in custody by a magistrates' court, and
- (b) the conditions for giving a direction under this section are met (see section 223),

the Department of Justice may by warrant direct that that person be removed to a hospital specified in the direction.

(2) The managing authority of the hospital specified in the direction must—

- (a) admit the person; and
- (b) detain him or her in accordance with section 218.

**Detention in hospital on removal under section 217**

**218.**—(1) Where a person is admitted to a hospital under a direction given under section 217 (transfer of person remanded in custody by magistrates' court), the person continues to be liable to be detained in hospital under that direction until the direction ceases to have effect under—

- (a) section 219;
- (b) section 222 as applied by section 219(3); or
- (c) section 240.

(2) In sections 201 to 203 (which relate to detention under hospital directions) any reference to a hospital direction includes a reference to a direction under section 217.

### **Termination of direction under section 217 etc**

**219.**—(1) This section applies where a direction is given in respect of a person (“A”) under section 217 (transfer of person remanded in custody by magistrates’ court).

(2) The direction (“the hospital transfer direction”) ceases to have effect at the end of the period of remand unless—

- (a) it has already ceased to have effect (see subsection (4)); or
- (b) A is committed in custody to the Crown Court for trial or to be otherwise dealt with.

(3) If A is committed to the Crown Court as mentioned in subsection (2) and the hospital transfer direction has not already ceased to have effect, section 222 (duration of transfer under section 220) applies as if the hospital transfer direction given in A’s case had been given under section 220.

(4) If the magistrates’ court is satisfied, on the written or oral evidence of the responsible medical practitioner—

- (a) that A does not have, or no longer has, the disorder in respect of which the hospital transfer direction was given, or
- (b) that it is more likely than not that no serious physical or psychological harm to A or serious physical harm to other persons would result from A’s ceasing to be provided with treatment for the disorder as an in-patient in hospital, or
- (c) that no effective treatment for the disorder can be given to A in the hospital where A is detained,

that court may direct that the hospital transfer direction ceases to have effect.

(5) A direction under subsection (4) may be given even if the period of remand has not expired or the accused is committed to the Crown Court as mentioned in subsection (2).

(6) Subject to subsection (7), the power of further remanding A may be exercised by the magistrates’ court without A’s being brought before the court; and if the magistrates’ court further remands A in custody (whether or not A is brought before the court) the period of remand is to be regarded for the purposes of this section as not having expired.

(7) The magistrates' court may under subsection (6) further remand A in A's absence only if A has appeared before the court within the previous 6 months.

(8) The magistrates' court may, in the absence of A, conduct a preliminary inquiry into an offence alleged to have been committed by A and commit A for trial in accordance with Article 37 of the Magistrates' Courts (Northern Ireland) Order 1981 if—

- (a) it is satisfied on the written or oral evidence of the responsible medical practitioner that A is unfit to take part in the proceedings; and
- (b) A is represented by counsel, or a solicitor, who is given an opportunity of being heard.