



2016 CHAPTER 18

PART 11

TRANSFER BETWEEN JURISDICTIONS

CHAPTER 1

REMOVAL OF PERSONS FROM NORTHERN IRELAND

Removal to other parts of UK of persons detained under Part 2

Removal of persons detained under Part 2 to England or Wales

254.—(1) This section applies if it appears to the Department that the conditions for removal to England or Wales are met in the case of a person (“P”) who is detained in a hospital in circumstances amounting to a deprivation of liberty in pursuance of an authorisation under paragraph 15 of Schedule 1.

(2) The Department may authorise P’s removal to England or Wales and may give any necessary directions for P’s conveyance there.

(3) The conditions for removal to England or Wales are that—

- (a) P lacks capacity in relation to the question whether he or she should be removed to England or (as the case may be) Wales;
- (b) it would be in P’s best interests to remove P there; and
- (c) arrangements have been made for admitting P to a hospital in England or Wales in which care or treatment which is appropriate in P’s case is available for P.

(4) Where P is removed from Northern Ireland under this section, the authorisation ceases to have effect when P is admitted to a hospital in England or Wales.

(5) In subsection (3)(c) and (4) “hospital” has the same meaning as in the 1983 Act.

Removal of persons detained under Part 2 to Scotland

255.—(1) This section applies if it appears to the Department that the conditions for removal to Scotland are met in the case of a person (“P”) who is detained in a hospital in circumstances amounting to a deprivation of liberty in pursuance of an authorisation under paragraph 15 of Schedule 1.

(2) The Department may authorise P’s removal to Scotland and may give any necessary directions for P’s conveyance there.

(3) The conditions for removal to Scotland are that—

- (a) P lacks capacity in relation to the question whether he or she should be removed to Scotland;
- (b) it would be in P’s best interests to remove P to Scotland; and
- (c) arrangements have been made—
 - (i) for admitting P to a hospital in Scotland in which care or treatment which is appropriate in P’s case is available for P; or
 - (ii) where P is not to be admitted to a hospital, for P’s detention in hospital in Scotland to be authorised by virtue of the 2003 Act.

(4) Where P is removed from Northern Ireland under this section, the authorisation ceases to have effect—

- (a) when P is duly received into a hospital in Scotland; or
- (b) where P is not received into a hospital but P’s detention in hospital is authorised by virtue of the 2003 Act, when P’s detention is so authorised.

(5) In subsections (3)(c) and (4) “hospital” has the same meaning as in the 2003 Act.