



2016 CHAPTER 18

PART 10

CRIMINAL JUSTICE

CHAPTER 2

POWERS OF COURT ON CONVICTION

*Interim detention orders*

**Effect of interim detention orders**

**178.**—(1) Where a court makes an interim detention order in respect of a person—

- (a) a constable or any other person directed to do so by the court must take the person to the hospital specified in the order;
- (b) the managing authority of the hospital must—
  - (i) admit the person; and
  - (ii) detain him or her in accordance with this section; and
- (c) any question whether the person may be given any treatment while detained in pursuance of the order is (subject to section 243) to be determined in the same way as if the person were not so detained.

(2) An interim detention order—

- (a) has effect for such period, not exceeding 12 weeks, as the court may specify when making the order; but
- (b) subject to subsection (3), may be renewed for further periods of not more than 28 days at a time if it appears to the court on the written or oral

evidence of the responsible medical practitioner that the continuation of the order is justified.

(3) An interim detention order may not continue in force for more than 6 months in total.

(4) Where an interim detention order has been made, the court must terminate the order if it—

- (a) makes a public protection order in respect of the offender;
- (b) passes a custodial sentence and gives a hospital direction in respect of the offender; or
- (c) decides, after considering the written or oral evidence of the responsible medical practitioner, to pass a custodial sentence without a hospital direction or to deal with the offender in some other way.

(5) The power of renewing an interim detention order may be exercised without the offender's being brought before the court if the offender is represented by counsel, or a solicitor, who is given an opportunity of being heard.

(6) In the case of an offender who is subject to an interim detention order, the court may make a public protection order without the offender's being brought before the court if the offender is represented by counsel, or a solicitor, who is given an opportunity of being heard.

(7) If an offender absconds from a hospital in which he or she is liable to be detained under an interim detention order, or while being taken to or from such a hospital—

- (a) the offender may be arrested without warrant by any constable;
- (b) after being arrested, the offender must be brought as soon as practicable before the court that made the order; and
- (c) on the offender's being brought before it, the court may terminate the interim detention order and deal with the offender in any way in which it could have done if no such order had been made.