

*Changes to legislation: There are currently no known outstanding effects for the Powers of Criminal Courts Act 1973 (repealed), Paragraph 5. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 1A

#### ADDITIONAL REQUIREMENTS IN PROBATION ORDERS]

##### Textual Amendments

- F1** Sch. 1A inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 9(2), 101(1), Sch. 1 Pt.II, Sch. 12, para. 1 (with s. 28); S.I. 1992/333, art. 2(2), Sch. 2

##### Modifications etc. (not altering text)

- C1** Sch. 1A modified (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 16, Sch. 3, Pt. I paras. 1(3), 2(3) (with s. 28); S.I. 1992/333, art. 2(2), Sch.2

#### *Requirements as to treatment for mental condition etc.*

- <sup>F15</sup> (1) This paragraph applies where a court proposing to make a probation order is satisfied, on the evidence of a [<sup>F2</sup>registered medical practitioner] approved for the purposes of section 12 of the Mental Health Act 1983, that the mental condition of the offender—
- is such as requires and may be susceptible to treatment; but
  - is not such as to warrant the making of a hospital order or guardianship order within the meaning of that Act.
- (2) The probation order may include a requirement that the offender shall submit, during the whole of the probation period or during such part [<sup>F3</sup>or parts] of that period as may be specified in the order, to treatment by or under the direction of a [<sup>F2</sup>registered medical practitioner][<sup>F3</sup>or a chartered psychologist (or both, for different parts)] with a view to the improvement of the offender's mental condition.
- (3) The treatment required by any such order shall be such one of the following kinds of treatment as may be specified in the order, that is to say—
- treatment as a resident patient in a mental hospital;
  - treatment as a non-resident patient at such institution or place as may be specified in the order; and
  - treatment by or under the direction of such [<sup>F2</sup>registered medical practitioner][<sup>F4</sup>or chartered psychologist (or both)] as may be so specified; but the nature of the treatment shall not be specified in the order except as mentioned in paragraph (a), (b) or (c) above.
- [<sup>F5</sup>(4) A court shall not by virtue of this paragraph include in a probation order a requirement that the offender shall submit to treatment for his mental condition unless—

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- (a) it is satisfied that arrangements have been [<sup>F6</sup>or can be] made for the treatment intended to be specified in the order (including arrangements for the reception of the offender where he is to be required to submit to treatment as a resident patient); and
  - (b) the offender has expressed his willingness to comply with such a requirement.]
- (5) While the offender is under treatment as a resident patient in pursuance of a requirement of the probation order, the probation officer responsible for his supervision shall carry out the supervision to such extent only as may be necessary for the purpose of the revocation or amendment of the order.
- (6) Where the medical practitioner [<sup>F7</sup>or chartered psychologist] by whom or under whose direction an offender is being treated for his mental condition in pursuance of a probation order is of the opinion that part of the treatment can be better or more conveniently given in or at an institution or place which—
- (a) is not specified in the order; and
  - (b) is one in or at which the treatment of the offender will be given by or under the direction of a [<sup>F2</sup>registered medical practitioner][<sup>F7</sup>or chartered psychologist],
- he may, with the consent of the offender, make arrangements for him to be treated accordingly.
- (7) Such arrangements as are mentioned in sub-paragraph (6) above may provide for the offender to receive part of his treatment as a resident patient in an institution or place notwithstanding that the institution or place is not one which could have been specified for that purpose in the probation order.
- (8) Where any such arrangements as are mentioned in sub-paragraph (6) above are made for the treatment of an offender—
- (a) the medical practitioner [<sup>F7</sup>or chartered psychologist] by whom the arrangements are made shall give notice in writing to the probation officer responsible for the supervision of the offender, specifying the institution or place in or at which the treatment is to be carried out; and
  - (b) the treatment provided for by the arrangements shall be deemed to be treatment to which he is required to submit in pursuance of the probation order.
- (9) Subsections (2) and (3) of section 54 of the Mental Health Act 1983 shall have effect with respect to proof for the purposes of sub-paragraph (1) above of an offender's mental condition as they have effect with respect to proof of an offender's mental condition for the purposes of section 37(2)(a) of that Act.
- (10) In this paragraph [<sup>F8</sup>“registered medical practitioner” means a fully registered person within the meaning of the **No commentary item could be found for this reference c11222571**Medical Act 1983;][<sup>F9</sup>“chartered psychologist” means a person for the time being listed in the British Psychological Society's Register of Chartered Psychologists; and]“mental hospital” means a hospital within the meaning of the Mental Health Act 1983 or mental nursing home within the meaning of the Registered Homes Act 1984, not being a special hospital within the meaning of the National Health Service Act 1977.

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### Textual Amendments applied to the whole legislation

- F1** Act repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

### Textual Amendments

- F1** Sch. 1A inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 9(2), 101(1), Sch. 1 Pt. II, **Sch. 12 para. 1** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**
- F2** Words in Sch. 1A para. 5 substituted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 27(3)**; S.I. 1998/2327, **art. 2(1)(w)**
- F3** Words in Sch. 1A para. 5(2) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 10(2)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A.
- F4** Words in Sch. 1A para. 5(3)(c) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 10(3)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A.
- F5** Sch. 1A para. 5(4) substituted (1.10.1997) by 1997 c. 43, s. 38(3); S.I. 1997/2200, **art. 2(1)(f)** (subject to savings in art 5)
- F6** Words in Sch. 1A para. 5(4) inserted (30.9.1998 both as amended by subsection(3) of s. 38 of the 1997 Act and so far as that paragraph has effect without that amendment) by 1998 c. 37, s. 106, **Sch. 7 para. 27(4)**; S.I. 1998/2327, **art. 2(1)(w)**
- F7** Words in Sch. 1A para. 5(6)(8) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 10(4)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A.
- F8** Definition in Sch. 1A para. 5(10) inserted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 27(5)**; S.I. 1998/2327, **art. 2(1)(w)**
- F9** Words in Sch. 1A para. 5(10) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 10(5)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A.

### Modifications etc. (not altering text)

- C1** Sch. 1A para. 5(3) applied (1.4.1996) by 1995 c. 46, ss. 234(4)(a), 309(2) (with ss. 24(2), 307(2)).
- C2** Sch. 1A para. 5(5)-(7) applied (1.4.1996) by 1995 c. 46, ss. 234(4)(b), 309(2) (with ss. 24(2), 307(2)).

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