



Mental Health Act 1983

1983 CHAPTER 20

PART III

PATIENTS CONCERNED IN CRIMINAL PROCEEDINGS OR UNDER SENTENCE

Detention during Her Majesty's pleasure

46 Persons ordered to be kept in custody during Her Majesty's pleasure.

- (1) The Secretary of State may by warrant direct that any person who, by virtue of any enactment to which this subsection applies, is required to be kept in custody during Her Majesty's pleasure or until the directions of Her Majesty are known shall be detained in such hospital (not being a mental nursing home) as may be specified in the warrant and, where that person is not already detained in the hospital, give directions for his removal there.
- (2) The enactments to which subsection (1) above applies are section 16 of the ^{M1}Courts-Martial (Appeals) Act 1968, section 116 of the ^{M2}Army Act 1955, section 116 of the ^{M3}Air Force Act 1955 and section 63 of the ^{M4}Naval Discipline Act 1957.
- (3) A direction under this section in respect of any person shall have the same effect as a hospital order together with a restriction order, made without limitation of time; and where such a direction is given in respect of a person while he is in the hospital, he shall be deemed to be admitted in pursuance of, and on the date of, the direction.

Marginal Citations

- M1** 1968 c. 20.
M2 1955 c. 18.
M3 1955 c. 19.
M4 1957 c. 53.

Status:

Point in time view as at 04/11/1994. This version of this provision has been superseded.

Changes to legislation:

Mental Health Act 1983, Section 46 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.