

*These notes refer to the Criminal Justice Act 2003 (c.44)  
which received Royal Assent on 20th November 2003*

# CRIMINAL JUSTICE ACT 2003

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 12 - Sentencing**

#### ***Chapter 8: Other Provisions about sentencing***

#### ***Section 296: Duration of directions under Mental Health (Northern Ireland) Order 1986 in relation to offenders***

643. *Section 296* makes amendments to Article 56 of the Mental Health (Northern Ireland) Order 1986 dealing with the arrangements in Northern Ireland for the release or return to prison of serving prisoners who have been transferred to hospital for medical treatment. It substitutes references to the expiration of a prisoner's sentence with references to his release date. This ensures that the Secretary of State can only treat the patient as a restricted patient until the time when the prisoner would have been released from prison. New article 56(3) provides that the release date means the date on which the prisoner would be entitled to release if he had not been transferred to hospital, (regardless of any powers of the Sentence Review Commissioners or the Life Sentence Review Commissioners), if he was still detained in prison.