
Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 2007, Cross Heading: Criminal Appeal Act 1968. (See end of Document for details)

SCHEDULES

SCHEDULE 4

SUPERVISED COMMUNITY TREATMENT: AMENDMENTS TO OTHER ACTS

Criminal Appeal Act 1968

- 2 (1) The Criminal Appeal Act 1968 (c. 19) is amended as follows.
- (2) In section 8 (supplementary provisions as to retrial), after subsection (3A) insert—
- “(3B) If the person ordered to be retried—
- (a) was liable to be detained in pursuance of an order or direction under Part 3 of the Mental Health Act 1983;
 - (b) was then made subject to a community treatment order (within the meaning of that Act); and
 - (c) was subject to that community treatment order immediately before the determination of his appeal,
- the order or direction under Part 3 of that Act and the community treatment order shall continue in force pending the retrial as if the appeal had not been allowed, and any order made by the Court of Appeal under this section for his release on bail shall have effect subject to the community treatment order.”
- (3) After section 37 insert—

“37A Continuation of community treatment order on appeal by the Crown

- (1) The following provisions apply where, immediately after a decision of the Court of Appeal from which an appeal lies to the Supreme Court, the prosecutor is granted, or gives notice that he intends to apply for, leave to appeal.
- (2) If, but for the decision of the Court of Appeal, the defendant would be liable to recall, the Court of Appeal may make an order under this section.
- (3) For the purposes of this section, a person is liable to recall if he is subject to a community treatment order (within the meaning of the Mental Health Act 1983) and, when that order was made, he was liable to be detained in pursuance of an order or direction under Part 3 of that Act.
- (4) An order under this section is an order providing for the continuation of the community treatment order and the order or direction under Part 3 of that Act so long as an appeal to the Supreme Court is pending.
- (5) Where an order is made under this section the provisions of the Mental Health Act 1983 with respect to persons liable to recall (including provisions as to the extension of the community treatment period, the removal or discharge of community patients, the revocation of community treatment

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orders and the re-detention of patients following revocation) shall apply accordingly.

- (6) An order under this section shall (unless the appeal has previously been disposed of) cease to have effect at the expiration of the period for which the defendant would, but for the decision of the Court of Appeal, have been—
- (a) liable to recall; or
 - (b) where the community treatment order is revoked, liable to be detained in pursuance of the order or direction under Part 3 of the Mental Health Act 1983.
- (7) Where the Court of Appeal have power to make an order under this section, and either no such order is made or the defendant is discharged, by virtue of subsection (5) or (6) of this section, before the appeal is disposed of, the defendant shall not be liable to be again detained as the result of the decision of the Supreme Court on the appeal.”

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