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*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 2007, Paragraph 11. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 6

#### VICTIMS' RIGHTS

*Transfer directions (with or without restriction directions)*

11 After section 42 insert—

**“42A Supplemental provision for case where no restriction direction given**

- (1) This section applies if, in a case where section 42 applies, the transfer direction in respect of the patient was given without a restriction direction.
- (2) Subsection (3) applies if a person who appears to the local probation board [<sup>F1</sup>or provider of probation services]<sup>F1</sup> mentioned in section 42(2) to be the victim of the offence or to act for the victim of the offence, when his wishes are ascertained under section 42(2), expresses a wish—
  - (a) to make representations about a matter specified in section 42(3), or
  - (b) to receive the information specified in section 42(4).
- (3) The local probation board [<sup>F2</sup>or provider of probation services]<sup>F2</sup> must—
  - (a) notify the managers of the hospital in which the patient is detained of that person's wish and of that person's name and address, and
  - (b) notify that person of the name and address of the hospital.
- (4) Subsection (5) applies if a person who appears to the local probation board [<sup>F3</sup>or provider of probation services]<sup>F3</sup> mentioned in section 42(2) to be the victim of the offence or to act for the victim of the offence, subsequently to his wishes being ascertained under section 42(2), expressed a wish to do something specified in subsection (2)(a) or (b).
- (5) The local probation board [<sup>F4</sup>or provider of probation services]<sup>F4</sup> mentioned in section 42(2) must take all reasonable steps—
  - (a) to ascertain whether the transfer direction given in respect of the patient continues in force and whether a community treatment order is in force in respect of him, and
  - (b) if the board [<sup>F5</sup>or the provider]<sup>F5</sup> ascertains that the transfer direction does continue in force—
    - (i) to notify the managers of the relevant hospital of that person's wish, and
    - (ii) to notify that person of the name and address of the hospital.
- (6) The relevant hospital has the meaning given in section 36A(6).”

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#### **Textual Amendments**

- F1** Words in Sch. 6 para. 11 inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 3, **Sch. 1 para. 24(2)(d)(i)**
- F2** Words in Sch. 6 para. 11 inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 3, **Sch. 1 para. 24(2)(d)(ii)**
- F3** Words in Sch. 6 para. 11 inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 3, **Sch. 1 para. 24(2)(d)(iii)**
- F4** Words in Sch. 6 para. 11 inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 3, **Sch. 1 para. 24(2)(d)(iv)(aa)**
- F5** Words in Sch. 6 para. 11 inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 3, **Sch. 1 para. 24(2)(d)(iv)(bb)**

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