

---

STATUTORY INSTRUMENTS

---

**2010 No. 60**

The Criminal Procedure Rules 2010

PART 49

HOSPITAL AND GUARDIANSHIP ORDERS

---

**Contents of this Part**

Remand by magistrates' court for medical enquiries	rule 49.1
Hospital or guardianship orders imposed by magistrates' court	rule 49.2

---

**Remand by magistrates' court for medical inquiries**

**49.1.** On exercising the powers conferred by section 11 of the Powers of Criminal Courts (Sentencing) Act 2000<sup>(1)</sup> a magistrates' court shall—

- (a) where the accused is remanded in custody, send to the institution or place to which he is committed; or
- (b) where the accused is remanded on bail, send to the institution or place at which, or the person by whom, he is to be examined,

a statement of the reasons why the court is of opinion that an inquiry ought to be made into his physical or mental condition and of any information before the court about his physical or mental condition.

**Hospital or guardianship order imposed by a magistrates' court**

**49.2.—**(1) The magistrates' court by which a hospital order is made under section 37 of the Mental Health Act 1983<sup>(2)</sup> shall send to the hospital named in the order such information in the possession of the court as it considers likely to be of assistance in dealing with the patient to whom the order relates, and in particular such information about the mental condition, character and antecedents of the patient and the nature of the offence.

(2) The magistrates' court by which a guardianship order is made under section 37 of the 1983 Act shall send to the local health authority named therein as guardian or, as the case may be, the local health authority for the area in which the person so named resides, such information in the possession of the court as it considers likely to be of assistance in dealing with the patient to whom the order

---

(1) 2000 c. 6.

(2) 1983 c. 20; section 37 was amended by Schedule 6 and paragraph 12 of Schedule 4 to the Crime (Sentences) Act 1997 (c. 43), paragraph 11 of Schedule 4 to the Youth Justice and Criminal Evidence Act 1999 (c. 23), paragraph 90 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), paragraphs 37 and 38 of Schedule 32 to, the Criminal Justice Act 2003 (c. 44), sections 49 and 65 of, and paragraph 2 of Schedule 1 and Schedule 5 to, the Violent Crime Reduction Act 2006 (c. 38), and sections 1, 4, 10, 55 and paragraphs 1 and 7 of Schedule 1, and Part 1 of Schedule 11 to, the Mental Health Act 2007 (c. 12). It is amended by sections 6 and 148 of, and paragraphs 30 and 148 of Schedule 4, and paragraph 8 of Schedule 26 to the Criminal Justice and Immigration Act 2008 (c. 4), with effect from a date to be appointed.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

relates and in particular such information about the mental condition, character and antecedents of the patient and the nature of the offence.

(3) The magistrates' court by which an offender is ordered to be admitted to hospital under section 44 of the 1983 Act shall send to the hospital such information in the possession of the court as it considers likely to assist in the treatment of the offender until his case is dealt with by the Crown Court.