

Changes to legislation: There are currently no known outstanding effects for the Mental Health (Amendment) Act 1982, Cross Heading: The Criminal Appeal Act 1968. (See end of Document for details)

SCHEDULES

SCHEDULE 3

CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

- C1** The text of Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART I

M1 The Criminal Appeal Act 1968

Marginal Citations

- M1** 1968 c. 19.

- 36 In section 8 after subsection (3) there shall be inserted—
- “(3A) If the person ordered to be retired was, immediately before the determination of his appeal, liable to be detained in pursuance of a remand under section 30 of the Mental Health (Amendment) Act 1982 or an interim hospital order under section 31 of that Act, the Court of Appeal may, if they think fit, order that he shall continue to be detained in a hospital or mental nursing home, and in that event Part V of the Mental Health Act 1959 shall apply as if he had been ordered under this section to be kept in custody pending his retrial and were detained in pursuance of a transfer direction together with a restriction direction.”
- 37 In section 11 after subsection (4) there shall be inserted—
- “(5) The fact that an appeal is pending against an interim hospital order under the Mental Health (Amendment) Act 1982 shall not affect the power of the court below to renew or terminate the order or to deal with the appellant on its termination ; and where the Court of Appeal quash such an order but do not pass any sentence or make any other order in its place the Court may direct the appellant to be kept in custody or released on bail pending his being dealt with by the court below.
- (6) Where the Court of Appeal make an interim hospital order by virtue of subsection (3) of this section—

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- (a) the power of renewing or terminating it and of dealing with the appellant on its termination shall be exercisable by the court below and not be the Court of Appeal ; and
- (b) the court below shall be treated for the purposes of section 31(8) of the said Act of 1982 (absconding offender) as the court that made the order.”

38 In section 14(2)—

- (a) for the words “detention in a hospital under observation (with or without other medical treatment)” there shall be substituted the words “ detention in a hospital for assessment (or for assessment followed by medical treatment) ” ;
- (b) for the words “admitted for observation” there shall be substituted the words “ admitted for assessment ”.

39 In section 37—

- (a) after subsection (4) there shall be inserted—
 - “(4A) Where an order is made under this section in the case of a defendant who, but for the decision of the Court of Appeal, would be liable to be detained in pursuance of a remand under section 30 of the Mental Health (mendment) Act 1983 or an interim hospital order under section 31 of that Act, the order may, if the Court of Appeal thinks fit, be one authorising his continued detention in a hospital or mental nursing home and in that event—
 - (a) subsection (3) of this section shall not apply to the order ;
 - (b) Part V of the said Act of 1959 shall apply to him as if he had been ordered under this section to be detained in csutody so llong as an appeal to the House of Lords is pending and were detained in pursuance of a transfer direction together with a restriction direction ; and
 - (c) if the defendant, having been subject to an interim hospital order, is detained by virtue of this subsection and the appeal by the prosecutor succeeds, subsection (2) of the said section 31 (power of court to make hospital order in the absence of an offender who is subject to an interim hospital order) shall apply as if the defendant were still subject to an interim hospital order.” ;
- (b) in subsection (5) for the words “subsection (3) or (4)” there shall be substituted the words “ subsection (3), (4) or (4A) ”.

40 F1

Textual Amendments
F1 Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

41 In Schedule 1—

- (a) in paragraph 2 for the words “an order restricting discharge” there shall be substituted the words “ a restriction order ” ;

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(b) in paragraph 3 for the word “observation” there shall be substituted the word “assessment”.

42

F2

Textual Amendments

F2 Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

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