



2016 CHAPTER 18

PART 10

CRIMINAL JUSTICE

CHAPTER 1

REMAND TO HOSPITAL

Section 162: the medical report condition

164.—(1) For the purposes of section 162 “the medical report condition” is that—

- (a) the court is satisfied on the required medical evidence that A has, or there is reason to suspect that A has, a disorder;
- (b) the court considers that a report ought to be made as to A’s mental or physical condition;
- (c) it appears to the court that a proper assessment of A’s condition for the purposes of the report will be impracticable if A is remanded in custody; and
- (d) it appears to the court, having regard in particular to the matter mentioned in subsection (2), that such an assessment will be practicable if A is remanded to hospital.

(2) The matter mentioned in subsection (1)(d) is how likely it is, as regards any examination that may be necessary for the assessment—

- (a) that consent will be given by A or by a person with authority to give consent on behalf of A; or
- (b) that the examination will be capable of being carried out by virtue of Part 2 of this Act (or, if A is under 16, under the Mental Health Order).

(3) In subsection (1)(a) “the required medical evidence” means (subject to subsection (4)) the oral evidence of—

- (a) if the disorder is mental disorder, an approved medical practitioner;
- (b) otherwise, a medical practitioner who appears to the court to have special experience in the diagnosis or treatment of the disorder.

(4) Where this section applies for the purposes of section 162(4) (further remands), in subsection (1)(a) “the required medical evidence” means the written or oral evidence of the medical practitioner who is in charge of A’s care in the hospital.