



2016 CHAPTER 18

PART 10

CRIMINAL JUSTICE

CHAPTER 3

DETENTION UNDER A PUBLIC PROTECTION
ORDER WITHOUT RESTRICTIONS

Extension of the period of an order

The criteria for continuation

185.—(1) In this Chapter “the criteria for continuation”, in relation to a public protection order without restrictions made in respect of a person, has the meaning given by subsection (2).

- (2) The criteria for continuation are—
- (a) that there is an impairment of, or disturbance in the functioning of, the mind or brain of the person;
 - (b) that appropriate care or treatment is available for the person in the establishment concerned;
 - (c) that failure to detain the person in circumstances amounting to a deprivation of liberty in an appropriate establishment in which appropriate care or treatment is available for the person would create a risk, linked to the impairment or disturbance, of serious physical or psychological harm to other persons; and

(d) that detaining the person in the establishment concerned, in circumstances amounting to a deprivation of liberty, would be a proportionate response to—

- (i) the likelihood of the harm concerned; and
- (ii) the seriousness of that harm.

(3) In this section “the establishment concerned” means the establishment in which the person would be liable to be detained if the period of the order were extended.