



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART VI

#### REMOVAL AND RETURN OF PATIENTS WITHIN UNITED KINGDOM, ETC.

##### *General*

#### **90 Regulations for purposes of Part VI.**

Section 32 above shall have effect as if references in that section to Part II of this Act included references to this Part of this Act and to [<sup>F1</sup>Part VII of the Mental Health (Scotland) Act 1984], so far as those Parts apply to patients removed to England and Wales thereunder.

#### **Textual Amendments**

**F1** Words substituted by [Mental Health \(Scotland\) Act 1984 \(c. 36, SIF 85\)](#), s. 127, [Sch. 3 para 53](#)

#### **91 General provisions as to patients removed from England and Wales.**

- (1) Subject to subsection (2) below, where a patient liable to be detained or subject to guardianship by virtue of an application, order or direction under Part II or III of this Act (other than section 35, 36 or 38 above) is removed from England and Wales in pursuance of arrangements under this Part of this Act, the application, order or direction shall cease to have effect when he is duly received into a hospital or other institution, or placed under guardianship, in pursuance of those arrangements.
- (2) Where the Secretary of State exercises his powers under section 86(2) above in respect of a patient who is detained pursuant to a hospital order under section 37 above and in respect of whom a restriction order is in force, those orders shall continue in force so as to apply to the patient if he returns to England and Wales at any time before the end of the period for which those orders would have continued in force.

*Status: Point in time view as at 22/07/2004.*

*Changes to legislation: Mental Health Act 1983, Cross Heading: General is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 92 Interpretation of Part VI.

- (1) References in this Part of this Act to a hospital, being a hospital in England and Wales, shall be construed as references to a hospital within the meaning of Part II of this Act.
- (2) Where a patient is treated by virtue of this Part of this Act as if he had been removed to a hospital in England and Wales in pursuance of a direction under Part III of this Act, that direction shall be deemed to have been given on the date of his reception into the hospital.
- (3) A patient removed to England and Wales under this Part of this Act or under [F2Part VII of the Mental Health (Scotland) Act 1984] shall be treated for the purposes of this Act as suffering from such form of mental disorder as may be recorded in his case in pursuance of regulations made by virtue of section 90 above, and references in this Act to the form or forms of mental disorder specified in the relevant application, order or direction shall be construed as including references to the form or forms of mental disorder so recorded.
- [F3(4) Sections 80 to 85A above shall have effect as if—
  - (a) any hospital direction under section 45A above were a transfer direction under section 47 above; and
  - (b) any limitation direction under section 45A above were a restriction direction under section 49 above.
- (5) Sections 80(5), 81(6) and 85(4) above shall have effect as if any reference to a transfer direction given while a patient was serving a sentence of imprisonment imposed by a court included a reference to a hospital direction given by a court after imposing a sentence of imprisonment on a patient.]

### Textual Amendments

- F2** Words substituted by [Mental Health \(Scotland\) Act 1984 \(c. 36, SIF 85\), ss. 17\(2\), 127, Sch. 3 para. 54](#)
- F3** [S. 92\(4\)\(5\)](#) inserted (1.10.1997) by [1997 c. 43, s. 55, Sch. 4 para. 12\(16\)](#); [S.I. 1997/2200, art. 2](#)

**Status:**

Point in time view as at 22/07/2004.

**Changes to legislation:**

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