



Mental Health Act 1983

1983 CHAPTER 20

PART III

PATIENTS CONCERNED IN CRIMINAL PROCEEDINGS OR UNDER SENTENCE

Transfer to hospital of prisoners, etc.

47 Removal to hospital of persons serving sentences of imprisonment, etc.

- (1) If in the case of a person serving a sentence of imprisonment the Secretary of State is satisfied, by reports from at least two registered medical practitioners—
- that the said person is suffering from mental illness, psychopathic disorder, severe mental impairment or mental impairment; and
 - that the mental disorder from which that person is suffering is of a nature or degree which makes it appropriate for him to be detained in a hospital for medical treatment and, in the case of psychopathic disorder or mental impairment, that such treatment is likely to alleviate or prevent a deterioration of his condition;

the Secretary of State may, if he is of the opinion having regard to the public interest and all the circumstances that it is expedient so to do, by warrant direct that that person be removed to and detained in such hospital^{F1}. . . as may be specified in the direction; and a direction under this section shall be known as “a transfer direction”.

- (2) A transfer direction shall cease to have effect at the expiration of the period of 14 days beginning with the date on which it is given unless within that period the person with respect to whom it was given has been received into the hospital specified in the direction.
- (3) A transfer direction with respect to any person shall have the same effect as a hospital order made in his case.
- (4) A transfer direction shall specify the form or forms of mental disorder referred to in paragraph (a) of subsection (1) above from which, upon the reports taken into account under that subsection, the patient is found by the Secretary of State to be suffering;

Status: Point in time view as at 01/04/2008. This version of this provision has been superseded.

Changes to legislation: Mental Health Act 1983, Section 47 is up to date with all changes known to be in force on or before 29 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)

and no such direction shall be given unless the patient is described in each of those reports as suffering from the same form of disorder, whether or not he is also described in either of them as suffering from another form.

- (5) References in this Part of this Act to a person serving a sentence of imprisonment include references—
- (a) to a person detained in pursuance of any sentence or order for detention made by a court in criminal proceedings (other than an order [^{F2}made in consequence of a finding of insanity or unfitness to stand trial]);
 - (b) to a person committed to custody under section 115(3) of the ^{M1}Magistrates' Courts Act 1980 (which relates to persons who fail to comply with an order to enter into recognisances to keep the peace or be of good behaviour); and
 - (c) to a person committed by a court to a prison or other institution to which the ^{M2}Prison Act 1952 applies in default of payment of any sum adjudged to be paid on his conviction.

Textual Amendments

- F1** Words in s. 47(1) repealed (1.10.1997) by 1997 c. 43, ss. 49(3), 56(2), **Sch. 6**; S.I. 1997/2200, art. 2 (with saving in art. 5(6))
- F2** Words in s. 47(5)(a) substituted (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(1), 60, **Sch. 10 para. 18** (with Sch. 12 para. 8); S.I. 2005/579, **art. 3(g)(k)**

Modifications etc. (not altering text)

- C1** S. 47 excluded (E.W.) (1.1.1992) by Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25, SIF 39:1), s. 5(1), **Sch. 1 para. 2(4)** (with saving in s. 8); S.I. 1991/2488, **art. 2**
- C2** S. 47 extended (1.10.1997) by 1997 c. 43, **s. 47(1)(c)**; S.I. 1997/2200, **art. 2**

Marginal Citations

- M1** 1980 c. 43.
- M2** 1952 c. 52.

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