



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART III

#### PATIENTS CONCERNED IN CRIMINAL PROCEEDINGS OR UNDER SENTENCE

##### *Transfer to hospital of prisoners, etc.*

#### **48 Removal to hospital of other prisoners.**

- (1) If in the case of a person to whom this section applies the Secretary of State is satisfied by the same reports as are required for the purposes of section 47 above that that person is suffering from mental illness or severe mental impairment of a nature or degree which makes it appropriate for him to be detained in a hospital for medical treatment and that he is in urgent need of such treatment, the Secretary of State shall have the same power of giving a transfer direction in respect of him under that section as if he were serving a sentence of imprisonment.
- (2) This section applies to the following persons, that is to say—
  - (a) persons detained in a prison or remand centre, not being persons serving a sentence of imprisonment or persons falling within the following paragraphs of this subsection;
  - (b) persons remanded in custody by a magistrates' court;
  - (c) civil prisoners, that is to say, persons committed by a court to prison for a limited term<sup>F1</sup> . . . , who are not persons falling to be dealt with under section 47 above;
  - (d) persons detained under the<sup>M1</sup> Immigration Act 1971 [<sup>F2</sup>or under section 62 of the Nationality, Immigration and Asylum Act 2002 (detention by Secretary of State)].
- (3) Subsections (2) to (4) of section 47 above shall apply for the purposes of this section and of any transfer direction given by virtue of this section as they apply for the purposes of that section and of any transfer direction under that section.

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*Status: Point in time view as at 22/07/2004. This version of this provision has been superseded.*

*Changes to legislation: Mental Health Act 1983, Section 48 is up to date with all changes known to be in force on or before 21 July 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)*

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#### **Textual Amendments**

- F1** Words in s. 48(2)(c) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), ss. 1(1), {Sch. 1 Pt. 17 Group 8}
- F2** Words in s. 48(2)(d) added (10.2.2003) by 2002 c. 41, ss. 62(10)(a), 162 (with s. 159); S.I. 2003/1, art. 2, Sch.
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#### **Marginal Citations**

- M1** 1971 c. 77.

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