



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART III

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

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

#### **51 Further provisions as to detained persons.**

- (1) This section has effect where a transfer direction has been given in respect of any such person as is described in paragraph (a) of section 48(2) above and that person is in this section referred to as “the detainee”.
- (2) The transfer direction shall cease to have effect when the detainee’s case is disposed of by the court having jurisdiction to try or otherwise deal with him, but without prejudice to any power of that court to make a hospital order or other order under this Part of this Act in his case.
- (3) If the Secretary of State is notified by the responsible medical officer, any other registered medical practitioner or a Mental Health Review Tribunal at any time before the detainee’s case is disposed of by that court—
  - (a) that the detainee no longer requires treatment in hospital for mental disorder; or
  - (b) that no effective treatment for his disorder can be given at the hospital to which he has been removed,the Secretary of State may by warrant direct that he be remitted to any place where he might have been detained if he had not been removed to hospital, there to be dealt with as if he had not been so removed, and on his arrival at the place to which he is so remitted the transfer direction shall cease to have effect.
- (4) If (no direction having been given under subsection (3) above) the court having jurisdiction to try or otherwise deal with the detainee is satisfied on the written or oral evidence of the responsible medical officer—

*Status: Point in time view as at 22/07/2004. This version of this provision has been superseded.*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 51 is up to date with all changes known to be in force on or before 06 August 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)*

- (a) that the detainee no longer requires treatment in hospital for mental disorder;  
or
- (b) that no effective treatment for his disorder can be given at the hospital to which he has been removed,

the court may order him to be remitted to any such place as is mentioned in subsection (3) above or [<sup>F1</sup>, subject to section 25 of the Criminal Justice and Public Order Act 1994,] released on bail and on his arrival at that place or, as the case may be, his release on bail the transfer direction shall cease to have effect.

- (5) If (no direction or order having been given or made under subsection (3) or (4) above) it appears to the court having jurisdiction to try or otherwise deal with the detainee—
  - (a) that it is impracticable or inappropriate to bring the detainee before the court;  
and
  - (b) that the conditions set out in subsection (6) below are satisfied,
 the court may make a hospital order (with or without a restriction order) in his case in his absence and, in the case of a person awaiting trial, without convicting him.
- (6) A hospital order may be made in respect of a person under subsection (5) above if the court—
  - (a) is satisfied, on the written or oral evidence of at least two registered medical practitioners, that the detainee is suffering from mental illness or severe mental impairment of a nature or degree which makes it appropriate for the patient to be detained in a hospital for medical treatment; and
  - (b) is of the opinion, after considering any depositions or other documents required to be sent to the proper officer of the court, that it is proper to make such an order.
- (7) Where a person committed to the Crown Court to be dealt with under section 43 above is admitted to a hospital in pursuance of an order under section 44 above, subsections (5) and (6) above shall apply as if he were a person subject to a transfer direction.

#### **Textual Amendments**

**F1** Words in s. 51(4) inserted (10.4.1995) by 1994 c. 33, s. 168, **Sch. 10**, para. 51; S.I. 1995/721, art. 2, **Sch.** Appendix A

**Status:**

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**Changes to legislation:**

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