



Domestic Violence, Crime and Victims Act 2004

2004 CHAPTER 28

PART 3

VICTIMS ETC

CHAPTER 2

REPRESENTATIONS AND INFORMATION

Transfer directions

[^{F1}43A Representations where restriction direction not given

- (1) This section applies if, in a case where section 42 applies, the transfer direction in respect of the patient was given without a restriction direction.
- (2) Subsection (3) applies if—
 - (a) a person makes representations about a matter specified in section 42(3) to the managers of the relevant hospital, and
 - (b) it appears to the managers that the person is the victim of the offence or acts for the victim of the offence.
- (3) The managers must forward the representations to the persons responsible for determining the matter.
- (4) The responsible clinician must inform the managers of the relevant hospital if he is considering making—
 - (a) an order for discharge in respect of the patient under section 23(2) of the Mental Health Act 1983,
 - (b) a community treatment order in respect of him, or

Changes to legislation: Domestic Violence, Crime and Victims Act 2004, Section 43A is up to date with all changes known to be in force on or before 09 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) View outstanding changes

- (c) an order under section 17B(4) of the Mental Health Act 1983 to vary the conditions specified in a community treatment order in force in respect of the patient.
- ^{F2}(5)
- (6) [^{F3}The First-tier Tribunal or the Mental Health Review Tribunal for Wales] must inform the managers of the relevant hospital if—
- (a) an application is made to the tribunal under section 66 or 69 of the Mental Health Act 1983, or
 - (b) the patient's case is referred to the tribunal under section 67 of that Act.
- (7) Subsection (8) applies if—
- (a) the managers of the relevant hospital receive information under subsection (4)^{F4}... or (6), and
 - (b) a person who appears to the managers to be the victim of the offence or to act for the victim of the offence—
 - (i) when his wishes were ascertained under section 42(2), expressed a wish to make representations about a matter specified in section 42(3), or
 - (ii) has made representations about such a matter to the managers of the hospital in which the patient was, at the time in question, detained.
- (8) The managers of the relevant hospital must provide the information to the person.
- (9) The relevant hospital has the meaning given in section 36A(6).]

Textual Amendments

- F1** S. 43A inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 48, 56(1), [Sch. 6 para. 13](#) (with s. 50(8)-(13)); [S.I. 2008/1900](#), arts. 1(1), [2\(o\)](#) (with art. 3, [Sch.](#))
- F2** S. 43A(5) omitted (1.7.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 39\(4\)\(e\)\(i\)](#), 306(4); [S.I. 2012/1319](#), art. 2(3)
- F3** Words in s. 43A(6) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), arts. 1(1), 9(1), [Sch. 3 para. 212](#)
- F4** Words in s. 43A(7) omitted (1.7.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 39\(4\)\(e\)\(iii\)](#), 306(4); [S.I. 2012/1319](#), art. 2(3)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8A and cross-heading inserted by [2024 c. 21 s. 19\(2\)](#)
- s. 37ZA inserted by [2024 c. 21 s. 21\(3\)](#)
- s. 49(4A) inserted by [2024 c. 21 s. 22\(2\)\(c\)](#)
- s. 49(5A) inserted by [2024 c. 21 s. 22\(2\)\(d\)](#)
- s. 49A inserted by [2024 c. 21 s. 22\(3\)](#)
- s. 51A inserted by [2024 c. 21 s. 22\(4\)](#)
- Sch. 9 para. 26A inserted by [2015 c. 2 Sch. 3 para. 12](#)
- Sch. 9 para. 11A inserted by [2024 c. 21 s. 22\(5\)\(b\)](#)
- Sch. 9 para. 16A inserted by [2024 c. 21 s. 22\(5\)\(c\)](#)
- Sch. 9 para. 29A-29C inserted by [2024 c. 21 s. 22\(5\)\(d\)](#)