
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 49

HOSPITAL AND GUARDIANSHIP ORDERS

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Remand by magistrates' court for medical inquiries

49.1. On exercising the powers conferred by section 11 of the Powers of Criminal Courts (Sentencing) Act 2000(1) a magistrates' court shall—

- (a) where the accused is remanded in custody, send to the institution or place to which he is committed; or
- (b) where the accused is remanded on bail, send to the institution or place at which, or the person by whom, he is to be examined,

a statement of the reasons why the court is of opinion that an inquiry ought to be made into his physical or mental condition and of any information before the court about his physical or mental condition.

[Note. Formerly rule 24 of the Magistrates' Courts Rules 1981(2).]

Hospital or guardianship order imposed by a magistrates' court

49.2.—(1) The magistrates' court by which a hospital order is made under section 37 of the Mental Health Act 1983(3) shall send to the hospital named in the order such information in the possession of the court as it considers likely to be of assistance in dealing with the patient to whom the order relates, and in particular such information about the mental condition, character and antecedents of the patient and the nature of the offence.

(2) The magistrates' court by which a guardianship order is made under section 37 of the 1983 Act shall send to the local health authority named therein as guardian or, as the case may be, the local

(1) 2000 c. 6.

(2) S.I. 1981/552; amended by S.I. 2003/1236; there are other amending instruments but none is relevant to this Part.

(3) 1983 c. 20; section 37 was amended by section 55 and paragraphs 12 (1), (2) and (3) of Schedule 4 to the Crime (Sentences) Act 1997 (c. 43), and paragraphs 90 (1), (2), (3), (4) and (6) of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), and paragraph 11 of Schedule 4 of the Youth Justice and Criminal Evidence Act 1999 (c. 23) and is further amended by paragraphs 37 and 38 of Part 1 of Schedule 32 and Part 7 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.

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health authority for the area in which the person so named resides, such information in the possession of the court as it considers likely to be of assistance in dealing with the patient to whom the order relates and in particular such information about the mental condition, character and antecedents of the patient and the nature of the offence.

(3) The magistrates' court by which an offender is ordered to be admitted to hospital under section 44 of the 1983 Act shall send to the hospital such information in the possession of the court as it considers likely to assist in the treatment of the offender until his case is dealt with by the Crown Court.

[Note. Formerly rule 31 of the Magistrates' Court Rules 1981.]