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STATUTORY INSTRUMENTS

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**2005 No. 384**

**The Criminal Procedure Rules 2005**

**PART 49**

**HOSPITAL AND GUARDIANSHIP ORDERS**

**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<sup>(1)</sup> 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 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.]*

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(1) 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.