

## SCHEDULES

### SCHEDULE 3

#### CONSEQUENTIAL AMENDMENTS

#### PART I

##### *The Administration of Justice Act 1960*

32

In section 5—

(a) after subsection (4) there shall be inserted—

“(4A) Where an order is made under the said sub\* section (1) in the case of a defendant who, but for the decision of the court below, would be liable to be detained in pursuance of an interim hospital order under section 31 of the Mental Health (Amendment) Act 1982, the order may, if the court thinks fit, be one authorising his continued detention in a hospital or mental nursing home and in that event—

- (a) subsection (3) of this section shall not apply to the order;
- (b) Part V of the said Act of 1959 shall apply as if he had been ordered under this section to be detained in custody so long as any appeal under section 1 of this Act is pending and were detained in pursuance of a transfer direction together with a restriction direction ; and
- (c) if the defendant is detained by virtue of this subsection and the appeal by the prosecutor succeeds, subsection (2) of the said section 31 (power of court to make hospital order in the absence of an offender who is subject to an interim hospital order) shall apply as if the defendant were still subject to an interim hospital order.”;

(b) in subsection (5) for the words "subsection (3) or subsection (4)" there shall be substituted the words " subsection (3), (4) or (4A) ".