
Changes to legislation: *Crime (Sentences) Act 1997, Paragraph 12 is up to date with all changes known to be in force on or before 21 April 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*

SCHEDULES

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

Mental Health Act 1983 (c.20)

- 12 ^{F1}(1)
- (2) After that subsection there shall be inserted the following subsection—
- “(1A) In the case of an offence the sentence for which would otherwise fall to be imposed under subsection (2) of section 3 or 4 of the Crime (Sentences) Act 1997, nothing in that subsection shall prevent a court from making an order under subsection (1) above for the admission of the offender to a hospital.”
- (3) In subsection (4) of that section, the words “in the event of such an order being made by the court” shall cease to have effect.
- ^{F2}(4)
- (5) After subsection (4) of that section there shall be inserted the following subsection—
- “(5) The preceding provisions of this section shall have effect as if—
- (a) the reference in subsection (1) to a transfer direction and a restriction direction having been given in respect of a person serving a sentence of imprisonment included a reference to a hospital direction and a limitation direction having been given in respect of a person sentenced to imprisonment;
- (b) the reference in subsection (2) to a restriction direction included a reference to a limitation direction; and
- (c) references in subsections (3) and (4) to a transfer direction included references to a hospital direction.”
- (6) In section 54 of that Act (requirements as to medical evidence), after the words “38(1)” there shall be inserted the words “ 45A(2) ”.
- (7) In subsection (2) of section 61 of that Act (review of treatment)—
- (a) after the words “restriction order” there shall be inserted the words “ , limitation direction ”; and
- (b) in paragraph (b), after the words “section 41(6)” there shall be inserted the words “ , 45B(3) ”.
- ^{F3}(8)
- (9) In section 70(a) of that Act (applications to tribunals concerning restricted patients), after the words “hospital order” there shall be inserted the words “ , hospital direction ”.

Changes to legislation: Crime (Sentences) Act 1997, Paragraph 12 is up to date with all changes known to be in force on or before 21 April 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

- (10) In subsection (1) of section 74 of that Act (restricted patients), after the words “who is subject to” there shall be inserted the words “ a limitation direction or ”.
- (11) In subsection (5) of that section, after the word “above” there shall be inserted the words “ the relevant hospital direction and the limitation direction or, as the case may be, ”.
- (12) In subsection (6) of that section, after the words “references to”, in the second place where they occur, there shall be inserted the words “ the hospital direction and the limitation direction or, as the case may be, to ”.
- (13) In section 75(1)(b) of that Act (applications and references concerning conditionally discharged restricted patients), after the words “hospital order” there shall be inserted the words “ , hospital direction ”.
- (14) In subsection (1) of section 79 of that Act (interpretation of Part V), after the words “restriction order” there shall be inserted the words “ , limitation direction ”.
- (15) In subsection (2) of that section—
- (a) after the words “ “the relevant hospital order”” there shall be inserted the words “ , “the relevant hospital direction” ”; and
 - (b) after the words “the hospital order” there shall be inserted the words “ , the hospital direction ”.
- (16) After subsection (3) of section 92 of that Act (interpretation of Part VI) there shall be inserted the following subsections—
- “(4) Sections 80 to 85A above shall have effect as if—
- (a) any hospital direction under section 45A above were a transfer direction under section 47 above; and
 - (b) any limitation direction under section 45A above were a restriction direction under section 49 above.
- (5) Sections 80(5), 81(6) and 85(4) above shall have effect as if any reference to a transfer direction given while a patient was serving a sentence of imprisonment imposed by a court included a reference to a hospital direction given by a court after imposing a sentence of imprisonment on a patient.”
- (17) In subsection (1) of section 117 of that Act (after-care), after the words “transferred to a hospital in pursuance of” there shall be inserted the words “ a hospital direction made under section 45A above or ”.
- (18) In subsection (3) of section 143 of that Act (general provisions as to regulations, orders and rules), after the word “section” there shall be inserted the word “ 45A(10), ”.
- (19) In subsection (1) of section 145 of that Act (interpretation)—
- (a) after the definition of “hospital” there shall be inserted the following definition—

““hospital direction” has the meaning given in section 45A(3)(a) above;”;
 - (b) after the definition of “interim hospital order” there shall be inserted the following definition—

Changes to legislation: *Crime (Sentences) Act 1997, Paragraph 12 is up to date with all changes known to be in force on or before 21 April 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*

““limitation direction” has the meaning given in section 45A(3)(b) above;”.

Textual Amendments

- F1** Sch. 4 para. 12(1) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(o\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1))
- F2** Sch. 4 para. 12(4) repealed (30.9.1998) by [1998 c. 37](#), ss. 119, 120(2), [Sch. 8 para. 137\(c\)](#), [Sch.10](#); [S.I. 1998/2327](#), [art. 2\(2\)\(pp\)\(3\)\(x\)](#).
- F3** [Sch. 4 para. 12\(8\)](#) repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), s. 56(1), [Sch. 11 Pt. 5](#); [S.I. 2008/1210](#), art. 2(d)

Commencement Information

- I1** Sch. 4 para. 12 partly in force; Sch. 4 para. 12 not in force at Royal Assent, see s. 57(2); Sch. 4 para. 12(1) (and (2) for specified purposes) in force at 1.10.1997 by [S.I. 1997/2200](#), [art. 2](#); Sch. 4 para. 12(2) in force at 1.12.1999 to the extent not already in force by [S.I. 1999/3096](#), [art. 2\(e\)](#)

Changes to legislation:

Crime (Sentences) Act 1997, Paragraph 12 is up to date with all changes known to be in force on or before 21 April 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.

[View outstanding changes](#)

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. 35(5)(c)s. 35(8)(a) by [2000 c. 43 Sch. 7 para. 139\(b\)](#)
- s. 8(5) by [2000 c. 43 Sch. 7 para. 143](#)