
Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 2007, Paragraph 13. (See end of Document for details)

SCHEDULES

SCHEDULE 6

VICTIMS' RIGHTS

Transfer directions (with or without restriction directions)

13 After section 43 insert—

“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
 - (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.
- (5) Any person who has power to make an order for discharge in respect of the patient under section 23(3) of the Mental Health Act 1983 must inform the managers of the relevant hospital if he is considering making that order.
- (6) A Mental Health Review Tribunal 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), (5) or (6), and

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- (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).”

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