



Mental Health Act 1959

1959 CHAPTER 72

PART V

ADMISSION OF PATIENTS CONCERNED IN CRIMINAL PROCEEDINGS, ETC., AND TRANSFER OF PATIENTS UNDER SENTENCE

Supplemental

80 Interpretation of Part V

(1) In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" approved school " means a school approved under section seventy-nine of the Children and Young Persons Act, 1933;

" child " and " young person " have the same meaning as in the Children and Young Persons Act, 1933 ;

" civil prisoner " has the meaning assigned to it by paragraph (e) of subsection (2) of section seventy-three of this Act;

" guardian ", in relation to a child or young person, has the same meaning as in the Children and Young Persons Act, 1933 ;

" place of safety ", in relation to a person not being a child or young person, means any police station, prison or remand centre, or any hospital the managers of which are willing temporarily to receive him, and in relation to a child or young person means a place of safety within the meaning of the Children and Young Persons Act, 1933 ;

" remand home " means premises established or used by the council of a county or county borough under section seventy-seven of the Children and Young Persons Act, 1933 ;

" responsible medical officer ", in relation to a person liable to be detained in a hospital within the meaning of Part IV of this Act, means the medical practitioner in charge of the treatment of the patient.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (2) Any reference in this Part of this Act to an offence punishable on summary conviction with imprisonment shall be construed without regard to any prohibition or restriction imposed by or under any enactment on the imprisonment of young offenders.
- (3) Where a patient who is liable to be detained in a hospital in pursuance of an order or direction under this Part of this Act is treated by virtue of any provision of this Part of this Act as if he had been admitted to the hospital in pursuance of a subsequent order or direction under this Part of this Act or a subsequent application for admission for treatment under Part IV thereof, he shall be treated as if the subsequent order, direction or application had described him as suffering from the form or forms of mental disorder specified in the earlier order or direction or, where he is treated as if he had been so admitted by virtue of a direction under subsection (1) of section sixty-six of this Act, such form of mental disorder as may be specified in the direction under that subsection.
- (4) In the following provisions of this Part of this Act, that is to say—
 - subsections (2) to (5) of section sixty-three ;
 - subsections (3) to (5) of section sixty-five ; and
 - section sixty-six,any reference to a hospital order, a guardianship order or an order restricting the discharge of a patient subject to a hospital order shall be construed as including a reference to any order or direction under this Part of this Act having the like effect as the first-mentioned order; and the exceptions and modifications set out in the Third Schedule to this Act in respect of the provisions of Part IV of this Act described in that Schedule accordingly include those which are consequential on the provisions of this subsection.
- (5) Subsection (2) of section fifty-nine of this Act shall apply for the purposes of this Part of this Act as it applies for the purposes of Part IV of this Act.
- (6) References in this Part of this Act to a court of quarter sessions include references to an appeal committee of quarter sessions.
- (7) References in this Part of this Act to persons serving a sentence of imprisonment shall be construed in accordance with subsection (6) of section seventy-two of this Act.
- (8) Section ninety-nine of the Children and Young Persons Act, 1933 (which relates to the presumption and determination of age) shall apply for the purposes of this Part of this Act as it applies for the purposes of that Act.