



Criminal Justice Act 1948

1948 CHAPTER 58

PART II

ADMINISTRATIVE PROVISIONS AND PROVISIONS AS TO TREATMENT OF PRISONERS, ETC.

Treatment of persons of unsound mind and mental defectives.

62 Discontinuance of terms " criminal lunatic " and " criminal lunatic asylum " .

- (1) Asylums and places appointed under section one of the Criminal Lunatic Asylums Act, 1860, shall be called and are in this Act referred to as " Broadmoor institutions "; and accordingly for references to criminal lunatic asylums (by whatever name called) in any enactment there shall be substituted references to Broadmoor institutions.
- (2) The expression " criminal lunatic " shall cease to be used; and there shall be substituted for it wherever it occurs in any enactment the expression " Broadmoor patient. "
- (3) All Broadmoor institutions shall be under the management of the Board of Control; and every such institution appointed before the commencement of this Act shall, by virtue of this Act and without further assurance, vest in the Minister of Health
- (4) For the purposes of paragraph (a) of subsection (1) of section sixty-seven of the National Health Service Act, 1946 (which provides for the grant of superannuation benefits to certain officers engaged in health services), officers employed in Broadmoor institutions shall be deemed to be engaged in health services.
- (5) The Board of Control may, with the approval of the Minister of Health, by statutory instrument make rules for the care and treatment of patients detained in Broadmoor institutions; and any statutory instrument containing such rules shall be laid before Parliament after being made.
- (6) Section one hundred and sixty-two of the Lunacy Act, 1890 (which requires the Board of Control to make reports on the patients and institutions visited by them), shall have effect as if the references to the patients and institutions therein mentioned included references to Broadmoor patients and Broadmoor institutions respectively.

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63 Removal of Broadmoor patients, etc.

- (1) The Secretary of State may—
 - (a) if he is satisfied that the attendance at any place in Great Britain of a Broadmoor patient is desirable in the interests of justice or for the purposes of any public inquiry, direct him to be taken to that place;
 - (b) if he is satisfied that a Broadmoor patient requires medical or surgical treatment which cannot be provided in the mental hospital in which he is, direct him to be taken to a hospital or other suitable place for the purpose of the treatment;and where any person is directed under this subsection to be taken to any place he shall, unless the Secretary of State otherwise directs, be kept in custody while being so taken, while at that place and while being taken back to the mental hospital in which he is required in accordance with law to be detained.
- (2) The Secretary of State may, on the application of a Broadmoor patient or a relation of the patient, order the patient's removal from a mental hospital in England to a mental hospital in Scotland; and any patient so removed shall be liable to be dealt with as if he had been sentenced or ordered to be detained or otherwise committed to custody, as the case may be, by a court in Scotland.
- (3) If, under any enactment extending to Scotland, a criminal lunatic is ordered to be removed from a mental hospital in Scotland to a mental hospital in England, he shall be liable to be dealt with as if he had been sentenced or ordered to be detained or otherwise committed to custody, as the case may be, by a court in England.
- (4) References in this section to a mental hospital in Scotland shall be construed as including references to the Lunatic Department of Perth Prison.

64 Treatment of persons transferred from prisons, etc. to institutions for mental defectives.

- (1) Where any person has, under an order made by the Secretary of State under section nine of the Mental Deficiency Act, 1913, been transferred from a prison or other institution to which the Prison Acts, 1865 to 1898, apply or from an approved school or Broadmoor institution in which he is detained to an institution for defectives, he shall not, without the consent of the Secretary of State, be set at large from the institution for defectives during the period during which he would have been detained in a prison or other institution if he had not been so transferred.
- (2) If during the period aforesaid the order under the said section nine expires, or the person to whom that order relates is ordered to be discharged from the institution for defectives, the Secretary of State shall, unless he gives his consent under the last foregoing subsection, remit that person to a prison or other institution in which he might have been detained if he had not been so transferred; and any person so remitted shall be liable to be dealt with as if he had not been transferred under the said section nine but had remained in the prison or institution from which he was so transferred.
- (3) Subsection (1) of section sixteen of the Mental Deficiency Act, 1913, shall not apply to a person detained in an institution for defectives during the period aforesaid; but if at any time during that period it appears to two justices of the peace having jurisdiction in the petty sessional division or place where the institution for defectives is situated and to two duly qualified medical practitioners that any person so transferred to the institution is of unsound mind, they shall certify in writing to that effect and the

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Secretary of State may thereupon by warrant direct that he be removed to the mental hospital named in the warrant; and the Criminal Lunatics Act, 1884, shall apply to him as if he had been removed to the mental hospital from a prison.