

SCHEDULE 1

CONSEQUENCES AND EFFECT OF ORDER FOR ADMISSION
TO HOSPITAL UNDER S. 6 OR S. 14

*[Repealed w.e.f. 1st January 1992 by the Criminal Procedure
(Insanity and Unfitness to Plead) Act 1991, Sched. 4.]*

SCHEDULE 3

APPLICATION OF PROVISIONS IN PART III OF MENTAL HEALTH
ACT 1983 WHERE ORDER MADE UNDER SECTION 16(3) OF THIS ACT*Order for custody pending trial*

1. Where an order is made by the Court of Appeal under section 16(3) of this Act for a person to be kept in custody pending trial, the following sections of the Mental Health Act 1959, that is to say—

section 73 (transfer of persons in custody to hospital for treatment);

section 74 (special restrictions on discharge); and

section 76 (cases in which a direction for a person's transfer to hospital may lapse),

shall apply to him as they apply to the persons listed in paragraphs (a) to (c) of section 73(2) of the said Act of 1959.

Order for continued detention under Act of 1983

2. Where an order is made by the Court of Appeal under section 16(3) of this Act for a person's continued detention under the Mental Health Act 1983, Part III of that Act (patients concerned in criminal proceedings or under sentence) shall apply to him as if he had been ordered under the said section 16(3) to be kept in custody pending trial and were detained in pursuance of a transfer direction together with a restriction order.

REPRESENTATION OF THE PEOPLE ACT 1983

1983 CHAPTER 2

(Extract)

PART I PARLIAMENTARY AND LOCAL GOVERNMENT FRANCHISE AND ITS EXERCISE

Parliamentary and local government franchise

Residence: detained and voluntary mental patients

7.—(1) A person who is detained at any place by virtue of any enactment relating to persons suffering from mental disorder shall not by reason thereof be treated for the purposes of sections 1 and 2 above as resident there.

(2) In the following provisions of this section—

“assistance” does not include assistance necessitated by blindness or other physical incapacity;

“mental hospital” means any establishment maintained wholly or mainly for the reception and treatment of persons suffering from any form of mental disorder;

“patient’s declaration” means a declaration made under this section by a voluntary mental patient;

“voluntary mental patient” means a person who is a patient in a mental hospital but is not liable to be detained there by virtue of any enactment.

(3) A person who on the qualifying date is a voluntary mental patient shall not be entitled to be registered as mentioned in section 12(1) or (2) below except in pursuance of a declaration made with reference to that date in accordance with subsection (4) below.

This subsection is without prejudice to the registration of a voluntary mental patient by virtue of his residence at an address other than the mental hospital in which he is a patient in any case in which he would be entitled to be so registered apart from this subsection and the following subsections of this section.

(4) A voluntary mental patient may make a declaration under this subsection if he is able to do so without assistance; and a patient's declaration—

- (a) shall be made with a view to registration in the register of electors for a particular year and with reference to the qualifying date for that register,
- (b) shall be made during the 12 months ending with the qualifying date by reference to which it is made but shall not have effect if after it is made and before that date the declarant ceases to be a voluntary mental patient or cancels the declaration,
- (c) may be made by a declarant notwithstanding the fact that by reason of his age he is not yet entitled to vote,
- (d) shall state that it was made by the declarant without assistance, and shall state—

- (i) the date of the declaration,

- (ii) that on that date and, unless it is the qualifying date, on the qualifying date next following the declarant is or will be a voluntary mental patient,

- (iii) the address of the mental hospital in which the declarant is a voluntary mental patient,

- (iv) the address where the declarant would be resident in the United Kingdom if he were not a voluntary mental patient or, if he cannot give any such address, an address (other than a mental hospital) at which he has resided in the United Kingdom,

- (v) that on the date of the declaration the declarant is a Commonwealth citizen or a citizen of the Republic of Ireland, and

- (vi) whether the declarant had on the date of the declaration attained the age of 18 years and, if he had not, the date of his birth,

and a patient's declaration shall be attested in the prescribed manner.

(5) If a person—

- (a) makes a patient's declaration declaring to more than one address, or
- (b) makes more than one patient's declaration bearing the same date and declaring to different addresses,

the declaration or declarations shall be void.

(6) A patient's declaration may at any time be cancelled by

the declarant and (subject to subsection (5) above) a patient's declaration bearing a later date shall, without any express cancellation, cancel a declaration bearing an earlier date if it is made with reference to the same qualifying date.

(7) A voluntary mental patient whose patient's declaration is made with reference to the qualifying date for any register shall be treated in relation to that register—

- (a) as resident on the qualifying date at the address specified in the declaration pursuant to paragraph (d)(iv) of subsection (4) above;
- (b) in the case of registration in Northern Ireland, as resident in Northern Ireland during the whole of the period of 3 months ending on the qualifying date; and
- (c) in any case, until the contrary is proved, as being a Commonwealth citizen or a citizen of the Republic of Ireland of the age appearing from the declaration and as not being subject to any legal incapacity except as so appearing.

(8) Where a patient's declaration appearing to be properly made out and attested is transmitted to the registration officer in the proper manner, the declarant shall, until the contrary is proved, be treated for the purposes of registration as having been from the date of the declaration or such later date, if any, as appears from it, and as continuing to be, qualified to be registered as an elector.

(9) No patient's declaration shall be specially made by a person for the purpose of local government elections, and any patient's declaration made for the purpose of parliamentary elections shall have effect also for the purpose of local government elections; but—

- (a) a patient's declaration may be made for the purpose of local government elections only by a person who is a peer subject to legal incapacity to vote at parliamentary elections; and
- (b) where so made, shall be marked to show that it is available for local government elections only, but shall in all other respects be the same as any other patient's declaration.