

Mental Health (Criminal Procedure) Regulation 2007

[2007-554]



New South Wales

Status Information

Currency of version

Repealed version for 16 November 2007 to 28 February 2009 (accessed 24 December 2024 at 4:10)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Regulation was repealed by cl 15 of the [Mental Health \(Forensic Provisions\) Regulation 2009 \(79\)](#) (GG No 44 of 27.2.2009, p 1235) with effect from 1.3.2009.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 16 November 2007

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New South Wales

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Mental Health (Criminal Procedure) Act 1990*.

REBA MEAGHER, M.P., Minister for Health

1 Name of Regulation

This Regulation is the *Mental Health (Criminal Procedure) Regulation 2007*.

2 Commencement

This Regulation commences on 16 November 2007.

3 Definition

In this Regulation:

the Act means the *Mental Health (Criminal Procedure) Act 1990*.

4 Prescribed authority

- (1) For the purposes of the exercise of a function under section 41 (3), 45, 47 (2), 48, 49 (2) or 57 of the Act in respect of a person, the prescribed authority is:
 - (a) the Governor, if the person is the subject of an order under section 25 or 39 of the Act, or
 - (b) the Governor-General, if the person was detained by order of the Governor-General and the Governor-General is to make an order for the conditional or unconditional release of the person, or
 - (c) in any other case, the Minister administering the *Mental Health Act 2007*.
- (2) For the purposes of the exercise of functions under section 58 of the Act, the prescribed authority is the Minister administering the *Mental Health Act 2007*.
- (3) Section 16A of the *Acts Interpretation Act 1901* of the Commonwealth applies to the

references in this clause to the Governor-General in the same way as it applies to a reference to the Governor-General in an Act of the Commonwealth.

5 Transfer of prisoner to mental health facility

For the purposes of section 54 (1) of the Act, the prescribed period is a period of 14 days from the making of the transfer order under Division 3 of Part 5 of the Act.